

**235 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-47291-2022  
Date of decision: 11.08.2023**

**SUKHWINDER SINGH AND ORS.**

**...PETITIONERS**

**VERSUS**

**STATE OF PUNJAB AND ANR.**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. A.S.Dhaliwal, Advocate for  
Mr. Deepak Kaushal, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Vishal Jassal, Advocate for  
Ms. R. Akanshal, Advocate for respondent No.2.

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**VIVEK PURI, J. (ORAL)**

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.16 dated 04.02.2020 under Sections 498-A/323/312/149 IPC, registered at Police Station Arniwala, District Fazilka and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 14.10.2022, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.

4. In compliance of the order dated 14.10.2022, learned Judicial Magistrate 1<sup>st</sup> Class, Fazilka has recorded the statements of the parties and

submitted the report, the relevant para whereof reads as under:-

*“1. That as per statement of ASI Buta Singh, SI Iqbal Singh, ASI Subash Chander, SI Harbans Singh present FIR was registered against five accused namely Sukhwinder Singh son of Joginder Singh, Joginder Singh @ Juginder Singh son of Dharam Singh, Dalip Kaur @ Deepo wife of Joginder Singh, Nishan Singh son of Joginder Singh, Balwinder Singh son of Joginder Singh all resident of Dabwala Kalan, District Fazilka and all the accused has appeared and got recorded their statement before the undersigned.*

*2. That as per the statement of IOs none of the accused has been declared proclaimed offender in the present case.*

*3. The name of the complainant is Ranjeet Kaur and as per statement of complainant, there were three injured/aggrieved persons in the present FIR namely Ranjeet Kaur (complainant), Mahinder Singh and Swaran Singh. Injured Mahinder Singh died in the year 2020. Complainant Ranjeet Kaur and injured Swaran Singh have appeared and made their statements in support of the compromise.*

*4. In the present case, challan has been presented in the Court on 28.09.2021 and case has been fixed for appearance of accused and for consideration on charge.*

*5. That in view of the statements so suffered by the respondents-complainants as well as petitioner-accused, it appears that the compromise so effected between petitioner/accused as well as respondents/complainants is genuine, voluntary and without any coercion or undue influence.*

*6. As per the statement of the investigating officer, no other criminal case is pending against the accused persons.”*

5. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 01.12.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 06.06.2022 (Annexure P-2). The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act

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in terms of judgment and decree dated 27.10.2022 passed by the learned Family Court, Fazilka. A sum of Rs.3,00,000/- has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her Both the parties have withdrawn the other cases instituted by them. As per the allegations in the FIR, the injuries were inflicted on the person of the brother and father of respondent No.2 but father of the petitioner has since died. Although, the brother of the petitioner has not been impleaded as a party but his statement was also recorded by the Illaqa Magistrate who had also consented for the amicable settlement. Even, the injuries attributed are under Section 323 IPC.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

7. After hearing the learned counsel for the parties and going through the record of the case, this Court is of the consider

red opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

8. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

9. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052,***

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upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 16 dated 04.02.2020 under Sections 498-A/323/312/149 IPC, registered at Police Station Arniwala, District Fazilka and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

11. Resultantly, with the above-said observations made, the instant petition stands allowed.

11.08.2023

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(VIVEK PURI)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |