

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

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**CRM-M-46402-2023
Date of decision: 24.11.2023**

JAGDEEP SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. B.S.Khaira, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Damanpreet Singh, Advocate for respondent No.2.

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.52 dated 12.07.2023 under Sections 498-A and 406 IPC, registered at Police Station Women Cell, Mohali and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 15.09.2023, 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 15.09.2023, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

"1. It is evident from the statement of Investigating Officer HC Harjit Singh that in the present case FIR No. 52 dated 12.07.2023, under section 406,498-A IPC, PS Women Cell, SAS Nagar, which was registered against three

accused persons namely Jagdeep Singh son of Kulwant Singh, Kulwant Singh son of Lal Singh and Paramjit Kaur w/o Kulwant Singh on the complaint of complainant Navjeet Kaur. There is only one victim/complainant in the present case namely Navjeet Kaur. No accused has been declared proclaimed offender in the present case as per record. As per record, accused persons are not involved in any other FIR.

2. It is evident from the statement of the accused persons and complainant that the compromise is genuine, voluntary, without any threat or coercion or undue influence.

3. In the present case, the case was fixed at stage for awaiting further orders from the Hon'ble Punjab & Haryana High Court, Chandigarh."

5. Learned counsel for the petitioners contend that though the allegations were levelled against the petitioners and another relative but the FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 14.02.2018 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The petitioner No.1 shall pay a sum of Rs. 13,00,000/- to respondent No.2 on account of permanent alimony. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage in the learned Family Court, SAS Nagar, Mohali (Camp at Derabassi) wherein the statements of the parties at the stage of first motion have been recorded. A sum of Rs. 6,50,000/- has already been paid and the balance amount of Rs. 6,50,000/- shall be paid when the statements of the parties is recorded at the stage of 2nd motion. Respondent No.2 has received all her articles of Istridhan and nothing else is due payable to her from the petitioners. The custody of the minor son shall remain with respondent No.2. No other case is pending between the parties.

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 considered 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**, 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.52 dated 12.07.2023 under Sections 498-A and 406 IPC, registered at Police Station Women Cell, Mohali 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.

24.11.2023

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(VIVEK PURI)
JUDGE