

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

274

CRM-M-48563-2022 (O&M)

Date of decision: 11.10.2023

SUKHJIT SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. M.R. Sharma, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Sandeep Sharma, Advocate
for respondent No.2.

VIVEK PURI. J.(Oral)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 001 dated 08.01.2022 under Sections 498-A and 406 IPC registered at Police Station NRI, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 23.11.2022, the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

3. In compliance of the order dated 23.11.2022, learned Chief Judicial Magistrate, Gurdaspur has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“It is submitted that from the statements of the parties,

it appears that the compromise is genuine, voluntary and without any coercion or undue influence. The compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties.

Besides the accused/petitioner Sukhjit Singh, there is no other accused in the present FIR case as per statement of Investigating Officer.

The parties are not involved in any other criminal case. No person has been get declared as proclaimed offender as per statement of Investigating Officer.”

4. Learned counsel for the petitioner contends that though the allegations were registered against the petitioner and 02 other family members but FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 28.02.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 15.10.2022 (Annexure P-2). The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage for dissolution of marriage by mutual consent, in terms of the judgment and decree dated 29.10.2022 in the learned Family Court Gurdaspur. The petitioner has paid a sum of Rs.11,50,000/- on account of permanent alimony. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

6. After hearing 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 is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

7. 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.

8. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

9. Accordingly, the present petition is allowed and FIR No. 001 dated 08.01.2022 under Sections 498-A and 406 IPC registered at Police Station NRI, District Gurdaspur and all the consequential proceedings arising therefrom are quashed qua the petitioner.

(VIVEK PURI)
JUDGE

11.10.2023
Amandeep

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No