

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46992-2023
Date of Decision: 18.12.2023

MANVIR SINGH BRAR ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Angraze Singh Dhindsa, Advocate
for the petitioner.

Mr. Harsimar Singh Sitta, DAG, Punjab.

Mr. Anoop Singla, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner seeks to quash the FIR No.4 dated 10.01.2020 under Sections 498-A/406/323 and 506 IPC registered at Police Station Sadiq, District Faridkot on the basis of compromise.
2. On 31.10.2023, the parties were directed to get their statements recorded before the learned trial Court/Illaq Magistrate.
3. In compliance of the order dated 31.10.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Faridkot has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. One person has been arrayed as accused in the present FIR namely Manvir Singh Brar.

2. The accused has never been declared as proclaimed offender in the present FIR.

3. On the face of it, the compromise appears to be genuine one having been arrived at

by the parties voluntary without any coercion or undue influence.

4. As per the statement of IO, accused is not involved in any other case.

5. As per the statement of IO, there is only one victim/complainant in the present FIR namely Rajbeer Kaur”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 about 15 years ago and a son and daughter have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner has paid a sum of Rs.26 lac to respondent No.2 on account of permanent alimony. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 10.10.2023 passed by the learned Family Court, Faridkot. Respondent No.2 has received all her articles of istridhan and custody of both the minor children shall remain with the petitioner. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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 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. 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.4 dated 10.01.2020 under Sections 498-A/406/323 and 506 IPC registered at Police Station Sadiq, District Faridkot on the basis of compromise is ordered to be quashed, however, qua the petitioner only.

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

18.12.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No