

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

275

CRM-M-49418-2022 (O&M)

Date of decision: 11.10.2023

GURDARSHAN SINGH BEDI AND OTHERS

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Survir Kumar, Advocate for the petitioners.

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

Mr. R.K. Jaswal, Advocate for respondent No.2.

VIVEK PURI. J.(Oral)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 0058 dated 13.10.2021 under Sections 498-A & 406 and Section 4 of Dowry Prohibition Act registered at Police Station Mehal Kalan, District Barnala (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 21.10.2022, 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 21.10.2022, learned Judicial Magistrate First Class, Barnala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“From the above statements and reports, it appears that

parties have voluntarily entered into compromise and the compromise between the parties is correct and genuine and the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties and there is no any other accused other than petitioners in this case and the parties are not involved or declared proclaimed offender in any other criminal case. ”

4. Learned counsel for the petitioner contends that marriage of the petitioner No.1 was solemnized with respondent No.2 on 16.02.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 21.09.2022 (Annexure P-2). The petitioner No.1 has paid 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 for dissolution of marriage by mutual consent in terms of the judgment and decree dated 18.05.2023 passed by learned Family Court Barnala. 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. 0058 dated 13.10.2021 under Sections 498-A & 406 and Section 4 of Dowry Prohibition Act registered at Police Station Mehal Kalan, District Barnala and all the consequential proceedings arising therefrom are quashed qua the petitioners.

(VIVEK PURI)
JUDGE

11.10.2023
Amandeep

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No