

CHAMKAUR SINGH AND ANOTHER ... PETITIONERS
V/S

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naresh Pal Chandel, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Ravinder Singh, Advocate for respondent Nos.2&3.
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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 109 dated 22.05.2023, under Sections 452/498-A/323/341/120-B IPC, registered at Police Station Sadar Nabha, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 21.09.2023, 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 21.09.2023, learned Judicial Magistrate First Class, Nabha has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“As per statements of complainant Ranjit Kaur and Ramandeep Kaur as well as statement of ASI Rajinder Singh, Investigating Officer of this case, there are only two accused persons namely Chamkaur Singh and Harbans Kaur in the FIR of present case.
2. As per statements of complainant Ranjit Kaur and Ramandeep Kaur as well as statement of ASI Rajinder Singh, Investigating Officer of this case, accused Chamkaur Singh and Harbans Kaur are not declared as

proclaimed offenders.

3. From the aforesaid statements of the affected parties as well as statement of ASI Rajinder Singh, Investigating Officer of this case, it is clear that the parties have entered into compromise voluntarily, without any pressure or undue influence and said compromise appears to be genuine.

4. As per statement of ASI Rajinder Singh, Investigating Officer of this case, accused Chamkaur Singh and Harbans Kaur are not involved in any other case, except the present case.

5. As per statement of ASI Rajinder Singh, Investigating Officer of this case and as per record of Police Station Sadar Nabha, complainant Ranjit Kaur and Ramandeep Kaur are the only victims and injured in the present case.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.3 on 14.09.2016 (inadvertently mentioned as 14.10.2016 in the petition) and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 15.07.2023 (Annexure P-2). Petitioner No.1 and respondent No.3 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court, Patiala wherein the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs. 8,00,000/- on account of permanent alimony to respondent No.2. A sum of Rs.4,00,000/- has already been paid and the balance amount of Rs.4,00,000/- is to be paid at the time of recording the statements at the stage of second motion. Respondent No.2 has received all her articles of Istri Dhan and nothing else is due payable to her by the petitioners. The custody of minor daughter shall remain with respondent No.3. No other case is pending between the parties.

5. Learned counsel for respondent Nos.2 & 3 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. 109 dated 22.05.2023, under Sections 452/498-A/323/341/120-B IPC, registered at Police Station Sadar Nabha, District Patiala and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

15.11.2023

Janki

(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No