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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.48191 of 2023(O&M)

Date of Decision: 16.12.2023

Lovepreet Singh Banga @ Robby

..... Petitioner

V/s.

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bhupender Singh, Advocate
for the petitioner.

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

Mr. Vinod Pundir, Advocate
for respondent No.2.

Vivek Puri, J. (Oral)

1. The petitioner is seeking to quash the FIR bearing No.112 dated 07.10.2016 under Sections 406,498-A, IPC, 1860 registered at Police Station Women Cell, Ludhiana and all the other subsequent proceedings arising therefrom, on the basis of compromise.

2. On 22.09.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 22.09.2023, the statements of the parties have been recorded and the learned Judicial Magistrate Ist Class, Ludhiana, has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“1) As per the information furnished by ASI Ravinder Kumar, one person namely **Lovepreet Singh Banga @ Robby s/o Gurinderpal Singh** was arrayed as accused in the present.*

2) As per the statement of ASI Ravinder Kumar, none of the accused have been declared as proclamation offender.

3) From the statement so suffered by both the parties, i.e. the complainant Paramjeet Kaur and present accused namely Lovepreet Singh Banga @ Robby, it appears that they have, in fact, entered into a compromise, which is voluntary in nature and is free from any coercion, pressure or threat.

4) As per the information furnished by ASI Ravinder Kumar, no other case is pending against the accused person, except the present case.

5) As per the report of ASI Ravinder Kumar, there is only one complainant/ victim namely Paramjeet Kaur in the present case.”

4. Learned counsel for the petitioner contends that although the allegations were leveled against the petitioner and two other relatives, but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 11.10.2009 and two children have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2). The petitioner and respondent No.2 have resumed cohabitation. Respondent No.2 alongwith the minor children is happily residing in the matrimonial house with the petitioner.

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 bearing No.112 dated 07.10.2016 under Sections 406, 498-A, IPC, 1860 registered at Police Station Women Cell, Ludhiana and all the other subsequent proceedings arising therefrom, on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

16th December, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No