

**284 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-48919-2023(O&M)
Date of decision: 15.12.2023**

NAVJOT SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ramandeep Singh, Advocate for
Mr.H.S.Dhindsa, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. G.S. Goina, Advocate for
Mr. L.S. Dhinda, Advocate for respondent No.4.

VIVEK PURI,J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.97 dated 27.04.2023 under Sections 406/498-A IPC, registered at Police Station Division 5, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 17.10.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 17.10.2023, learned Additional Chief Judicial Magistrate, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“In view of the statements of complainant/respondent no.4 Jasdeep Kaur and accused/petitioner no.1 Navjot Singh through his attorney Arvinder Pal Kaur and accused/petitioner no.2 Jaswinder Kaur, it emerges on record that the matter has been compromised between them with the intervention of respectables out of their free will, voluntarily and without any pressure, threat, undue influence or coercion from any quarter and complainant has no objection in case the FIR and subsequent proceedings are quashed against accused persons.

It is further respectfully submitted that in view of statement suffered by Investigating Officer HC. Barjinder Singh No.2176/Ldh. P. S. Div no 5, Ludhiana, it emerges on record that present case bearing FIR No.97 dated 27.04.2023, Under Section 406, 498-A of Indian Penal Code, P. S. Div. No.5, Ludhiana was got lodged by complainant Jasdeep Kaur wife of Navjot Singh. He has further stated that Jasdeep Kaur is the only complainant/victim in the present case and present FIR was registered against two accused persons only namely Navjot Singh and Jaswinder Kaur and except them no other person is involved as an accused in the present case. He has further stated that as per record of Police Station, both the accused persons namely Navjot Singh and Jaswinder Kaur are not involved in any other case and neither both the accused persons have been declared as proclaimed offenders, nor any proclamation proceedings are pending against them.”

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners and two other family members but the FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.4 on 08.05.2022 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. Respondent No.4 has sworn an affidavit 21.09.2023 (Annexure P-2) in this regard. Petitioner No.1 and respondent No.4 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein the statements of the parties at the stage of first motion.

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Petitioner No.1 shall pay a sum of Rs.18 lac to respondent No.4 on account of permanent alimony. A sum of Rs.9 lac has already been paid and the balance amount of Rs.9 lac, post dated cheques have been issued to respondent No.4. Respondent No.4 has received all her articles of Istri Dhan and nothing is due payable to her by the petitioners. Respondent No.4 has withdrawn the application under Section 12 of Protection of Women from Domestic Violence Act. No other case is pending between the parties.

6. Learned counsel for respondent No.4 states that he has no objection if FIR is quashed.

7. After hearing the 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.

8. 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.

9. 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***.

10. Considering the peculiar facts and circumstances of the case noted

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above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.97 dated 27.04.2023 under Sections 406/498-A IPC, registered at Police Station Division 5, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

15.12.2023

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(VIVEK PURI)
JUDGE

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