

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52331-2022
Date of Decision: 05.09.2023

LABH SINGH ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amandeep Singh Saini, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Ravneet Bains, Advocate for
Mr. Parminder Singh Rai, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.0144 dated 22.06.2019 under Sections 406/498-A IPC registered at Police Station Kharar, District SAS Nagar and all the subsequent proceedings arising therefrom on the basis of the compromise.
2. On 14.11.2022, the parties were directed to get their statements recorded before the learned trial Court/Illaq Magistrate.
3. In compliance of the order dated 14.11.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Kharar, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“As per the statements of the parties, the compromise effected between them seems to be genuine and the same is not the result of any fraud or misrepresentation and is the result of free will of the parties. Further, as per statement of Investigating Officer of this case, there is only one accused in this

FIR namely Labh Singh and he has never been declared Proclaimed Offender nor the parties are involved in any other case”.

4. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and other family members but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 25.11.2007 and a son has 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.5 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 28.03.2023 passed by the learned Family Court, Rupnagar. Respondent No.2 has received all her articles of istridhan and nothing else is due payable to her by the petitioner. The custody of minor son shall remain with respondent No.2. 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.0144 dated 22.06.2019 under Sections 406/498-A IPC registered at Police Station Kharar, District SAS Nagar and all the subsequent proceedings arising therefrom on the basis of the compromise are ordered to be quashed, however, qua the petitioner only.

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

05.09.2023
smriti

(VIVEK PURI)
JUDGE

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