

CRM-M-56059-2022

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

CRM-M-56059-2022

Date of Decision: 04.09.2023

LAKHVIR SINGH @ HAPPY AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amanpreet Singh, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Saransh Sabharwal, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 16 dated 04.08.2015, under Sections 498-A & 406 IPC (Section 354-A IPC added later on), registered at Police Station Women Cell Ludhiana Rural, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. On 19.04.2023, 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 19.04.2023, learned Judicial Magistrate First Class, Jagraon has recorded the statements of the parties and submitted the following report:-

“Pursuant to the order dated 19.04.2023 passed by
Hon'ble Punjab & Haryana High Court in CRM-M-

56059-2022 titled as Lakhvir Singh @ Happy and others Vs. State of Punjab and another, report is hereby submitted to the effect that the statement of complainant/respondent no.2 namely Seema Gill D/o Sukhdev Singh, R/o H.No. 5431, Ward No. 6, Partap Nagar, Jagraon, Distt. Ludhiana and accused/ petitioners 1 to 3 namely Lakhvir Singh @ Happy S/o Harchand Singh, R/o Village Gurusar Kaunke, Tehsil Jagraon, Distt. Ludhiana, Harchand Singh S/o Kapoor Singh, R/o Village Gurusar Kaunke, Tehsil Jagraon, Distt. Ludhiana and Paramjit Kaur W/o Harchand Singh R/o Village Gurusar Kaunke, Tehsil Jagraon, Distt. Ludhiana respectively, recorded on 16.05.2023. This Court is satisfied that the parties have made an amicable settlement and have recorded their statements in the Court without any fear, pressure, threat or coercion and out of their free will.

It is further submitted that statement of ASI Gurpreet Singh No. 30/LDH(R), now posted at PS Women, Jagraon recorded to the effect that in the present there is one complainant namely Seema Gill and three accused namely Lakhvir Singh, Harchand Singh and Paramjit Kaur. He further stated that neither any accused has been declared as proclaimed offender nor the parties have been involved in any other case.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 02.12.2012 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2). The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of the judgment and decree dated 04.07.2023 passed by the learned Family Court, Ludhiana (Camp at Jagraon). A sum of Rs. 8,00,000/- has been paid to respondent No.2 on account of permanent alimony. She has received all her articles of *Istridhan* and nothing else is due payable to her from the petitioners. The custody of the minor daughter shall remain with respondent No.2 and the petitioner No.1 shall have the visitation rights as per terms of compromise. No other case is pending

between the parties. It has been submitted that at the earlier instance, the petitioners had approached this Court for quashing of the FIR on the basis of compromise vide CRM-M-45842-2021 but the same was dismissed as withdrawn as the compromise could not materialize at that stage.

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 (Annexure P-2). 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. 16 dated 04.08.2015, under Sections 498-A & 406 IPC (Section 354-A IPC added later on), registered at Police Station Women Cell Ludhiana Rural,

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District Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioners only, subject to the condition that the petitioners shall deposit a sum of Rs. 10,000/- in the Poor Patients' Welfare Fund, PGIMER, Chandigarh within a period of 4 weeks.

04.09.2023

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No