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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(301)

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Date of decision: 11.12.2023

Baljinder Singh

...PETITIONER

VERSUS

State of Punjab and anr.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

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

Mr. Baljinder Singh, Advocate
for respondent No.2.

VIVEK PURI, J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.169 dated 12.08.2020 under Sections 498-A of IPC, registered at Police Station Mahilpur, District Hoshiarpur along with all the consequential proceedings emanating therefrom in view of the compromise deed dated 14.08.2023 (Annexure P-2) effected between the parties.

2. On 17.11.2023, 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.

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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 02.12.2023, learned Civil Judge (Junior Division)-cum-Judicial Magistrate First Class, Garhshankar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) As per record and as per statement of Investigating Officer, only one person namely Baljinder Singh is arrayed as accused.

(ii) As per record and as per statement of Investigating Officer, accused has not been declared as proclaimed person or proclaimed offender in present case.

(iii) The matter has been compromised between the parties voluntarily and out of their free will and consent and without any coercion or undue influence. The compromise appears to be genuine.

(iv) As per record and as per statement of Investigating Officer, accused Baljinder Singh is not involved in any other case.

(v) Statement of Investigating Officer ASI Gurnek Singh No.686/HPR is recorded and as per his statement, there is only victim who is complainant Harjit Kaur in the present FIR.”

5. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and other family members but FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 26.10.2019 and no

child has been born from the wedlock. In fact on 17.11.2023, it was submitted that a daughter has been born from the wedlock. This fact has been brought to the notice of this Court on the basis of incorrect instructions. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 14.08.2023 (Annexure P-2). The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court, Hoshiarpur (Camp at Garhshankar) wherein the statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs.16,00,000/- on account of permanent alimony to respondent No.2. A sum of Rs.8,00,000/- has already been paid and the balance amount of Rs.8,00,000/- shall be paid at the time of recording the statement at the stage of second motion. Respondent No.2 has received all her articles of *Istri Dhan* and nothing is due payable to her by the petitioner. The custody of minor child shall remain with respondent No.2. No other case is pending between the parties.

6. Learned counsel for respondent No.2 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

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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 private dispute of the co-villagers 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*, upheld 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 above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.169 dated 12.08.2020 under Sections 498-A of IPC, registered at Police Station Mahilpur, District Hoshiarpur in view of the compromise deed dated 14.08.2023 (Annexure P-2) along with all consequential proceedings arising therefrom, is ordered to be quashed, however, qua the petitioner only.

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

12. Pending application, if any, shall stand disposed of.

11.12.2023

spn

(VIVEK PURI)
JUDGE

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