

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

278

CRM-M-59149-2022 (O&M)

Date of decision: 11.10.2023

NAVPREET SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. J.S. Saini, Advocate for the petitioner.

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

Mr. Tejpreet Singh, Advocate for
Mr. Sandeep Kumar, Advocate
for respondent No.2.

VIVEK PURI. J.(Oral)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 117 dated 08.11.2018 under Sections 406 and 498-A IPC registered at Police Station-Women District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 20.07.2023, 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 20.07.2023, learned Judicial Magistrate First Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“The undersigned has orally asked the accused and

complainant about the compromise to which they submitted that the compromise is genuine, voluntary and without any coercion or undue influence. Hence, I am of the considered view that the compromise between the complainant and accused is valid, genuine, voluntary and without any coercion or undue influence. There is only one accused arrayed in the present case namely Navpreet Singh. Also, Harmanpreet Kaur is the only complainant in the present case. Now matter has been compromised. Hence, report is hereby sent your goodself for your kind perusal. ”

4. Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with respondent No.2 on 03.02.2013 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 22.09.2022 (Annexure P-2). The petitioner has paid a sum of Rs.4,00,000/- 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 Hindu Marriage Act in terms of the judgment and decree dated 16.01.2023 passed by learned Family Court Ludhiana. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her. The custody of the minor daughter shall remain with respondent No.2 and no other case is pending between the parties. The petitioner has also deposited the costs to the tune of Rs.10,000/- imposed upon him, in terms of the order dated 20.07.2023 with the District Legal Services Authorities, Ludhiana and the photocopy of the said receipt has been placed on record.

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. 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. 117 dated 08.11.2018 under Sections 406 and 498-A IPC registered at Police Station-Women District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

(VIVEK PURI)
JUDGE

11.10.2023
Amandeep

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