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

(Through video-conferencing)

CRM-M No.8872 of 2020

Date of Decision: 27.07.2021

VINAY KUMAR AND ANOTHERPetitioners

Vs

STATE OF PUNJAB AND ANOTHER.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Liaqat Ali, Advocate
for the petitioners.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

Ms. Sajida Akhtar, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

[1]. Prayer in this petition is for quashing of FIR No.110 dated 04.11.2018 registered under Sections 406 & 498-A IPC at Police Station Women District Police Commissionerate, Ludhiana along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[2]. A compromise was effected and admittedly a decree of divorce under Section 13-B of the Hindu Marriage Act has been granted by the Court vide on 25.08.2020.

[3]. Notice of motion was issued on 28.02.2020 and the parties were directed to appear before the *Ilqa* Magistrate/trial

Court on 20.04.2020 for recording their statements in respect of genuineness of the compromise in question.

[4]. Thereafter vide order dated 19.04.2021 parties were again directed to appear before the Illaqa Magistrate/trial Court as they could not appear earlier due to COVID-19 pandemic.

[5]. Now a report has been received from the Judicial Magistrate Ist Class, Ludhiana endorsing the factum of compromise. The Court has observed that the compromise in question is genuine and both the parties have compromised the matter out of their free Will without there being any pressure and coercion. There are two accused persons namely Vinay Kumar and Om Parkash and they have not been declared as proclaimed offenders/proclaimed persons in any manner.

[6]. Learned counsel appearing on behalf of respondent No.2 very categorically admitted the factum of compromise and grant of decree of divorce under Section 13-B of the Hindu Marriage Act on 25.08.2020 by the Principal Judge, Family Court, Ludhiana.

[7]. Perusal of the aforesaid report would show that the parties have effected genuine compromise without there being any pressure, coercion or undue influence. In view of compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers

under Section 482 Cr.P.C can be exercised in such like situation in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be in fully consonance with the direction issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

[8]. Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[9]. Resultantly, FIR No.110 dated 04.11.2018 registered under Sections 406 & 498-A IPC at Police Station Women District Police Commissionerate, Ludhiana, as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[10]. Petition stands disposed of.

July 27, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No