

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

CRM-M-28958-2021

Date of Decision: 3rd November, 2021

Pankaj Sharma and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Simsi Dhir Malhotra, Advocate
for the petitioners.

Ms. Monika Jalota, Deputy Advocate General, Punjab
for the respondent-State.

Ms. Ekta Thakur, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 56, dated 23.10.2020, under Sections 406, 498-A IPC registered at Police Station PS Women, District Police Commissionerate Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise dated 06.07.2021.

[2] The bone of the contention culminating in registering of present FIR is a matrimonial dispute between petitioner No.1 and respondent No.2. During the pendency of the proceedings, the couple has decided to part their ways and proceed ahead in their life.

[3] The parties with the intervention of respectables have compromised the matter.

[4] On 27.07.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with

regard to compromise dated 06.07.2021.

[5] The report dated 29.09.2021 is received, the relevant part is as below:

“ The present compromise has been taken place with the free consent and without any pressure. There is no other person as accused involved in the occurrence given in the FIR apart from Pankaj Sharma and Prem Lata. None of the accused have been declared proclaimed offender in this case.

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.... This court is of the considered opinion that the compromise has been effected between the complainant and same is voluntary, without any pressure or coercion and is genuine one.”

[6] Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“There is no statutory bar in Cr.P.C. which affects inherent power of this Court under Section 482. The power of quashing is not limited to matrimonial cases alone.”

[7] The Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, 2017***

AIR (SC) 4843 laid down the broad principles governing the exercises of powers of quashing of FIR. It was held that the power under Section 482

Cr.P.C. is to be exercised by the High Court to secure the ends of justice,

to prevent abuse of any process of law and in cases where in view of the

compromise the possibility of conviction is remote and continuation of

proceeding will cause oppression and prejudice.

[8] The issue has been sort out with the intervention of the elders. Couple has decided to part away and proceed ahead with their individual lives rather than indulging in litigation. Pendency of the trial will only create complications. To meet the ends of justice and considering that there are bleak chances of conviction, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[9] The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

3rd November, 2021
Parveen Sharma

Whether reasoned/speaking	Yes
Whether reportable	Yes