

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29979-2021

Date of Decision:30.11.2021

VINOD KUMAR

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Ms. Ruchika Sabarwal, AAG, Punjab.

Mr. L.S.Lakhanpal, Advocate for
Mr. Yaseen Sethi, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

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.86 dated 25.06.2021 under Sections 498-A and 406 IPC, registered at Police Station Chabbewal, Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 30.09.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 30.09.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Hoshiarpur has sent the report to the following effect:-

“Kindly refer to Hon'ble High Court order dated 30.9.2021 passed in CRM-M-29979-2021, whereby parties were directed to appear before this court on 29.10.2021 or any other date convenient to trial court/Illaga Magistrate for getting their statements

recorded regarding compromise. This court was further directed to send its report on the next date of hearing in regard to genuineness of compromise and also to intimate whether any P.O. proceedings are pending against any of party.

It is submitted that in compliance to the order of Hon'ble High Court, Complainant Rajinder Kaur and accused Vinod Kumar appeared before this court on 29.10.2021 and their statements were recorded by this court. The statement of complainant Rajinder Kaur and accused Vinod Kumar are enclosed herewith for your goodself's kind perusal.

In order to send the report to Hon'ble High Court, a separate report of SHO of P.S.Chabbewal was also called. As per report of SHO concerned, no P.O. proceeding is pending against the accused. The said report is also enclosed herewith for your goodself's kind perusal.

In view of the statements suffered by the complainant and the accused, the compromise effected between the parties appears to be genuine, voluntary and out of free will of the parties.

The report as desired alongwith copies of the statements of the parties as well as the report of the SHO of Police Station Chabbewal is submitted, please.”

It has been stated that a separate petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent has already been instituted and statements of the parties at the stage of first motion have also been recorded.

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 a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

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*.

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.86 dated 25.06.2021 under Sections 498-A and 406 IPC, registered at Police Station Chabbewal, Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

30.11.2021
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No