

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-38104 of 2020 (O&M)

Date of decision : 27.01.2021

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Sumit Jain

.....Petitioner

vs.

State of Punjab and another

.....Respondents

**Coram: Hon'ble Mr. Justice H. S. Madaan**

Present: Mr. Rahul Sharma, Advocate  
for the petitioner.

Mr. J.S. Ghuman, Deputy Advocate General,  
Punjab.

None for respondent No.2.

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**H. S. Madaan, J. (Oral)**

Case taken up through video conferencing.

Petitioner- Sumit Jain, has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 93 dated 8.8.2019, for offences under Sections 377 and 323 IPC, registered at Police Station City Malerkotla, District Sangrur, against him, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Pushpalata @ Purvi - arrayed as respondent No.2.

The FIR in question was recorded on the basis of statement of complainant Pushpalata @ Purvi , who inter alia stated that she was married with Sumit Jain – petitioner about 5 years earlier and gave birth to two children from his loins, elder being a girl namely, Sonia Jain, aged about 4 years and younger son, namely, Siwas jain, aged about 2- ½ years; that after some time her husband started having un-natural sex with her against her wishes; that she had informed her mother-in-law in that regard, but she ignored the same saying that men have habbits like that. According to the complainant whenever she resisted such acts of her husband, then he used to beat her up. Fed up with such state of affairs, she left the matrimonial home and informed the police in that regard, on the basis of which formal FIR was registered. Investigation in the case started.

The petitioner – accused is stated to have joined the investigation, having been granted pre-arrest bail by this Court.

After completion of investigation, challan in this case is stated to have been filed in the Court, though as stated by learned counsel for the petitioner, charge in this case is yet to be framed.

When the petition came up for hearing on 19.11.2020, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Vivek Gupta, Advocate, had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to send a report to this Court.

Report has been received from Sub Divisional Judicial Magistrate, Malerkotla, in terms of which complainant Pushpalata @ Purvi and accused, namely, Sumit Jain, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant has stated that she has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainant and the accused, in original, have been annexed.

I have heard learned counsel for the petitioner, learned State counsel, besides going through the record.

Keeping in view the fact that the dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social

amity and reduces friction, then it truly is “*finest hour of justice*”. Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

**27.01.2021**  
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**( H.S. Madaan )**  
**Judge**

Whether speaking / reasoned

Yes / No

Whether reportable

Yes / No