

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1373-2022

Date of Decision: 13.05.2022

GOURAV SHARMA AND ANR ... PETITIONERS
VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Lakhwinder Singh Mann, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Ms. Harsharanpreet Kaur, Advocate for
Ms. Chhavi Sharma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No. 166 dated 06.08.2020 under Section 498-A IPC registered at Police Station Nakodar Sadar, District Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 01.02.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 01.02.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Nakodar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In view of the statement suffered by the parties, this court is of the opinion that parties have arrived at a compromise voluntarily and without any kind of coercion and undue influence.

- 1. As per statement of Investigating officer ASI Harwinder Singh No.746, accused Gourav Sharma and Shashi Sharma are only two accused in this FIR.*
- 2. As per statement of Investigating officer ASI Harwinder Singh No.746, no person was declared as proclaimed offender in this FIR.*
- 3. As per statement of Investigating officer ASI Harwinder Singh No.746, there is no other FIR reported or pending against the applicant/accused Gourav Sharma and Shashi Sharma in the Police Station Nakodar.*
- 4. As per statement of Investigating officer ASI Harwinder Singh No.746, there is only one victim/complainant in this FIR.”*

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent wherein statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.8,50,000/- on account of permanent alimony to respondent No.2. A sum of Rs.4,50,000/- has already been paid and the balance amount is to be paid on the next date of hearing before the trial Court in the proceedings under Section 13-B of the Hindu Marriage Act. The custody of minor child shall remain with respondent No.2. Petitioner No.1 has also withdrawn the petition under Section 9 of the Hindu Marriage Act and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she has no objection if the

FIR is quashed.

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.

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.

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. 166 dated 06.08.2020 under Section 498-A IPC registered at Police Station Nakodar Sadar, District Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

13.05.2022
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(VIVEK PURI)
JUDGE

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