

254 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 2173-2021
Date of Decision: 05.04.2022

ATUL CHAWLA AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Veneet Sharma, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Vivek Singla, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.33 dated 22.07.2017 registered under Sections 498-A, 323 Indian Penal Code at Police Station Women, Amritsar City, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 18.01.2021 notice of motion was issued and on 01.03.2021 the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

In compliance of the order dated 01.03.2021, learned Judicial Magistrate First Class, Amritsar has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“I have the honour to submit that I have gone

through the statements given by the complainant and posed various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise has been effected between the parties and is without any pressure or coercion of anyone. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. As directed by your good-self the report is as under:-

1) As per statement of ASI Satpal Singh No.910/Asr, PS Women, Amritsar, the number of accused in present case are three and they have appeared in the court and he further stated that no accused is absconding/ PO in this case.

2) As per statement of ASI Satpal Singh No.910/Asr, PS Women, Amritsar, the name of complainant is Nisha and there is no injured/ aggrieved person in this case and she has made statement in support of Compromise.

3) The case is pending for prosecution evidence.

4) As per statement of parties, the compromise effected between the parties is genuine and without any pressure or undue influence of the parties.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The marriage between petitioner No.1 and respondent No. 2 has been dissolved by a decree of divorce under Section 13-B of Hindu Marriage Act vide judgment and decree dated 20.04.2021 and there is no other litigation pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-2).

The compromise is without any pressure and is 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*.

Accordingly, the present petition is allowed and FIR No. 33 dated 22.07.2017 registered under Sections 498-A, 323 Indian Penal Code at Police Station Women, Amritsar City, District Amritsar and all the consequential proceedings arising therefrom are quashed qua the petitioners.

05.04.2022

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No