

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3629-2021
Date of Decision: 18.02.2022

Deepak Gupta and others
v/s
State of Punjab and another

... Petitioners
... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Singla, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. M.S. Yadav, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 439 dated 28.10.2020 under Sections 498-A, 406, 506, 120-B IPC registered at Police Station City Barnala, District Barnala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 27.01.2021 notice of motion was issued and on 15.09.2021 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 15.09.2021, learned Chief Judicial Magistrate, Barnala has recorded the statements of the parties and

submitted his report, the relevant para whereof reads as under:-

“This Court, after hearing the parties in person and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence and statements recorded by the complainant party as well as accused are not the result of any pressure and coercion.”

Learned counsel for the petitioners contends that matrimonial dispute has been amicably settled between the parties. The marriage has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 05.10.2021. Furthermore, it was settled that petitioner shall pay a sum of Rs. 16 Lakhs in full and final settlement of the claim to respondent No.2 on account of past, present and future maintenance. The amount has already been given to her by way of two bank drafts.

Learned counsel for respondent No.2 has acknowledged the aforesaid factual aspect and has stated that respondent No.2 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.

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. 439 dated 28.10.2020 under Sections 498-A, 406, 506, 120-B IPC registered at Police Station City Barnala, District Barnala and all the consequential proceedings arising therefrom are quashed qua the petitioners.

18.02.2022

Janki

(VIVEK PURI)
JUDGE

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