

259 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4976-2020
Date of Decision: 03.08.2022

NOSHAD KURASISHI AND OTHERS ... PETITIONERS

V/S

UT CHANDIGARH AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Robert Kanwar, Advocate for the petitioners.

Mr. Deepinder Brar, Addl. P.P. U.T. Chandigarh.

Mr. Kanwar Ashwani Kumar, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 100 dated 17.08.2019 registered under Sections 498-A, 406 of the Indian Penal Code at Police Station Women, Sector 17, Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 04.02.2020, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 04.02.2020, learned Judicial Magistrate 1st Class, Chandigarh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) As per report of Investigating Officer SI Satnarain, No. 1190/CHG, in the present FIR, there is only one complainant and aggrieved namely Razia and three accused namely Kurasishi, Kallu and Khalikun and they have made their statements before the court regarding compromise.

(ii) As per report of Investigating Officer SI Satnarain, No. 1190/CHG, in the present FIR, there is only three accused namely Kurasishi, Kallu and Khalikun and they are not declared absconding/P.O. in this case.

iii) The case is at initial stage and challan of the present FIR is not produced in the court.

iv) The compromise effected between the parties appears to be genuine and valid and without any coercion or undue influence.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise deed, Annexure P-2. The respondent No.2 along with the minor child is happily residing in the matrimonial house with petitioner No.1. Thereafter the couple has also been blessed with another child. The respondent No.2 has also withdrawn the petition under Section 125 Cr.P.C. and the proceedings initiated by her under Protection of Women from Domestic Violence Act. No other case is 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).

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. 100 dated 17.08.2019 registered under Sections 498-A, 406 of the Indian Penal Code at Police Station Women, Sector 17, Chandigarh and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

03.08.2022

Janki

(VIVEK PURI)
JUDGE

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