

292 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9543-2022
Date of decision: 23.11.2022

VIVEK SHARMA

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kanwaljeet Singh Brar, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Amandeep Singh Jawandha, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.187 dated 03.11.2018 under Sections 406/498-A, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, on the basis of compromise.

On 01.06.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 01.06.2022, learned Judicial Magistrate 1st Class, Karnal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“From their statements, it seems that the compromise between the parties is voluntary and is not the result of

pressure and coercion in any manner. Mangla Sharma daughter of Kuldeep Sharma is complainant in this case and Vivek Sharma aged about 35 years son of Harmesh Lal is accused involved in the present FIR as per challan. No accused is declared as proclaimed offender.”

Learned counsel for the petitioner contends that though, the allegations were also levelled against the parents and sister of the petitioner but FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 05.03.2016 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 16.12.2021 (Annexure P-2). The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 12.08.2022 passed by the learned Principal Judge, Family Court, Fatehgarh Sahib. The petitioner has withdrawn the petition under Section 9 of the Hindu Marriage Act. Respondent No.2 has withdrawn the petitions under Section 125 and 128 Cr.P.C. A sum of Rs.17,00,000/- has been paid to respondent No.2 on account of permanent alimony. The custody of minor child shall remain with respondent No.2 and she has received all her articles of *Istri Dhan*. No other case is pending between the parties.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

After hearing the 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

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.187 dated 03.11.2018 under Sections 406/498-A, registered at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

23.11.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No