

272 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3507-2020
Date of Decision: 14.09.2022

AMIT SAINI

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vaneet Kumar Sharma, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Santosh Singla, Advocate for
Mr. Raj K. Sharma, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 03 dated 06.01.2017 registered under Sections 406, 498-A of the Indian Penal Code at Police Station City Phagwara, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 28.02.2022, 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 28.02.2022, learned Sub

Divisional Judicial Magistrate, Phagwara has recorded the statements of the

parties and submitted the report, the relevant portion whereof reads as under:-

“1. As per FIR, only one person Amit Saini was arrayed as accused.

2. As per statement of SI Joginder Singh, SHO P.S. City, Phagwara, no accused was declared as proclaimed offender/person.

3. As per statements of the parties, the compromise is genuine, voluntary and without any coercion or undue influence.

4. As per statement of SI Joginder Singh, SHO P.S. City, Phagwara, the accused person is not involved in any other case.

5. As per statement of SI Joginder Singh, SHO P.S. City, Phagwara, only one victim/complainant namely Nancy is involved in the FIR.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 05.11.2015 but no child has been born from the wedlock. The allegations were levelled against the petitioner and his parents but the FIR has been registered only against the petitioner. The matrimonial dispute has been amicably settled between the parties. 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 the Hindu Marriage Act passed by the Family Court, Ludhiana. A sum of Rs. 6,50,000/- has been paid on account of permanent alimony to respondent No.2. 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). 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. 03 dated 06.01.2017 registered under Sections 406, 498-A of the Indian Penal Code at Police Station City Phagwara, District Kapurthala and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

14.09.2022

Janki

(VIVEK PURI)
JUDGE

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