

306 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7731-2022
Date of Decision: 24.05.2022

GEETA RANI AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.S.Ahluwalia, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Ms. Gurjit Kaur Sandhu, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 18 dated 06.05.2021, under section 498-A IPC registered at Police Station Women, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 23.02.2022 notice of motion was issued and 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 23.02.2022, learned Judicial Magistrate First Class, Bathinda has recorded the statements of the parties and submitted her report, the relevant portion whereof reads as under:-

“1. It is respectfully submitted that as per record there are two accused persons namely Geeta Rani

and Varun Kumar in the present FIR No. 18 dated 06.05.2021, under section 498-A of Indian Penal Code, 1860 Police Station Women Cell, Bathinda.

(2) As per record, no accused has been declared proclaimed offender.

(3) It is further submitted that in view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter.

(4) It is further submitted that as per statement of ASI Tasvir Singh, accused are not involved in any other case.

(5) It is further submitted that statement of Investigating Officer namely ASI Tasvir Singh recorded and as per record and statement of investigating officer, there is one complainant/victim namely Surbhi in the present FIR.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of Settlement agreement, Annexure P-2. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 09.03.2022 passed by the learned Family Court at Bathinda. A sum of Rs. 3,50,000/- has been paid to respondent No.2 on account of permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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. 18 dated 06.05.2021, under section 498-A IPC registered at Police Station Women, District Bathinda and all the consequential proceedings arising therefrom are quashed qua the petitioners.

24.05.2022

Janki

(VIVEK PURI)
JUDGE

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