

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5190-2022

Date of Decision: 25.05.2022

KARUN KUMAR

... PETITIONER

VS.

STATE OF PUNJAB AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Om Pal Sharma, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Ajay Kumar, Advocate for
Mr. Kuldip Singh, Advocate,
for respondents No.2 and 3.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 38 dated 16.12.2020 under Sections 406 and 498-A IPC registered at Police Station NRI, SAS Nagar (Mohali) on the basis of compromise.

On 14.02.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 14.02.2022, the statements of the parties have been recorded and the learned Civil Judge (Jr. Division)-cum-Judicial Magistrate 1st Class, SAS Nagar has sent the report and the relevant portion whereof is reproduced here-in-below:-

"1. As per the statement of IO, SI Shamsher Singh No.2154/Patiala, now posted at PS NRI SAS Nagar, Mohali, there is only one accused in this case namely Karun.

2. As per the statement of IO, SI Shamsher Singh No.2154/Patiala, now posted at PS NRI SAS Nagar, Mohali, the said accused has not been declared PO in the present FIR.

3. As per those statements of the parties to the case, this court is of the considered view and has acquired its satisfaction that the parties have arrived at a compromise with their free consent and voluntarily and genuinely.

4. As per the Statement of IO, SI Shamsher Singh No.2154/Patiala, now posted at PS NRI SAS Nagar, Mohali, there is no other criminal case pending against the accused.

5. There is no other victims/complainants are there in the FIR except the complainant namely Christina Sahota.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. Petitioner and respondent No.2 have instituted a petition under Section 10-A of the Indian Divorce Act for dissolution of marriage by mutual consent wherein statements of the parties at the stage of first motion have been recorded. A sum of Rs.15 lakhs has already been paid to respondent No.2 on account of permanent alimony and no other case is pending between the parties.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. The compromise is without any pressure and 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***.

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.38 dated 16.12.2020 under Sections 406 and 498-A IPC registered at Police Station NRI, SAS Nagar (Mohali) is ordered to be quashed, however, qua the petitioner only.

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

25.05.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No