

**268 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-7198-2022

Date of Decision: 26.04.2022

Surinder Kumar and Another

...Petitioners

Versus

State of Punjab and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jasraj Singh, Advocate,
for the petitioners.

Mr. Hittan Nehra, Addl. AG Punjab.

Mr. Paramjeet Chawla, Advocate
for complainant-respondent No. 2.

VIVEK PURI J.

Through instant petition, the petitioners are seeking to quash the FIR No. 194 dated 12.12.2018 (Annexure P-1) under Sections 406, 498-A of IPC registered at Police Station City, District Hoshiarpur, and all the consequential proceedings arising therefrom on the basis of compromise.

On 21.02.2022, the parties were directed to get their statements recorded before the learned Trial Court/Illaq Magistrate. In compliance of the order dated 21.02.2022, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Hoshiarpur has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1) That as per the statements suffered by the complainant as well as Investigating Officer, ASI Kiran Singh No. 557, JR, PS City, Hoshiarpur in the present FIR, the name of the complainant is Kusam @ Kusum and only two persons namely Surinder Kumar and Jarnail Singh have been arrayed as accused and

all of them have appeared and made statement in support of the compromise so effected between them.

2) That as per the statement of Investigating Officer ASI Kiran Singh No. 557 JR, PS City, Hoshiarpur, no accused is Proclaimed Offender in the present case.

3) The present case was fixed for Arguments on application under Section 319 Cr.P.C.

4) That in view of the above statements of the complainant and the accused, I am of the opinion that the compromise is genuine, voluntary and out of free will.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise and petitioner No. 1 and respondent No. 2 have instituted a petition under Section 13B of the Hindu Marriage Act for dissolution of their marriage with mutual consent, wherein statements at the state of first motion has been recorded. A child has been born from the wedlock who shall remain in the custody of respondent No. 2. No other case is pending between the parties. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspects and has 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*.

Accordingly the present petition is allowed and FIR No. 194 dated 12.12.2018 (Annexure P-1) under Sections 406, 498-A IPC registered at Police Station City, District Hoshiarpur and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner(s) only.

26.04.2022
Ajay Goswami

(VIVEK PURI)
JUDGE

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