

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

CRM-M-6960-2020

Date of Decision: 06.07.2022

Rakesh Kumar

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Saurabh Arora, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Pawan Kumar, Advocate
for respondent No. 2/complainant.

VIVEK PURI J.

Through the instant petition, the petitioner is seeking quashing of FIR No. 35 dated 20.04.2019 under Section 406, 498-A of Indian Penal Code (hereinafter to be referred as 'IPC'), registered at Police Station Women District Patiala (Annexure P-1) alongwith all the subsequent proceedings arising therefrom in view of the compromise arrived at between the parties.

On 17.02.2022, the parties were directed to get their statements recorded before the learned Trial Court/Illaq Magistrate. In compliance of the order dated 17.02.2022, the statements of the parties have been recorded and the learned Judicial Magistrate Ist Class, Patiala has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. As per FIR and challan report there is one person namely Rakesh Kumar, who has been arrayed as accused.

2. As per statement of investigating officer ASI Sikanderpal Singh, the accused Rakesh Kumar

has not been declared proclaimed offender in this case or any other case and further no P.O. proceedings are pending against any of the parties.

3. As per the statement of complainant and accused, this Court is satisfied that their compromise is genuine, voluntarily, without any coercion or undue influence."

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise Annexure P-2. The petitioner and respondent No. 2 are happily residing together in the matrimonial home. Learned counsel for respondent No. 2/complainant 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. 35 dated 20.04.2019 under Sections 406, 498-A IPC registered at Police Station Women Patiala and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner (s) only.

06.07.2022
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No