

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

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**CRM-M-9351 of 2022
Date of decision : 31.08.2022**

Arun Dhir

.....Petitioner

VERSUS

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. Raman Goklaney, Advocate, for the petitioner.

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

Mr. Rahul Arora, Advocate, for respondent No. 2.

VIVEK PURI, J. (Oral)

Through instant petition, the petitioner is seeking to quash the FIR No.06 dated 10.05.2017 under Sections 406, 498-A IPC registered at Police Station Women Cell, Ferozepur, on the basis of compromise dated 24.02.2022 (Annexure P-2).

On 17.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 17.03.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ferozepur, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(1).In the present case, as per statement of ASI Mahesh Singh, I.O of this case, Arun Dhir and Asha Dhir (since deceased) arrayed as accused persons in the present FIR.

(2) As per above statement of ASI Mahesh Singh, I.O of this case, none of the accused have been declared proclaimed offender.

(3) As per above statements of parties, compromise has been effected between petitioner and respondent No.2. This compromise is acceptable to both the respective

parties. Therefore, this compromise is genuine, voluntary and without any pressure, coercion or undue influence.

(4) As per above statement of ASI Mahesh Singh I.O of this case, except the present FIR, no other FIR has been registered against the accused persons.

(5)As per above statement of ASI Mahesh Singh, I.O of this case, Rajni Bala wife of Arun Dhir and daughter of Late Sh.Kashmiri Lal Chawla, resident of House No.134, Shanti Nagar, Ferozepur City, is only victim/complainant in the FIR in question.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 24.06.2012 and two daughters were born out of this wedlock. Initially the allegations were levelled against the petitioner and other family members in the complaint submitted to the police authorities but FIR has been registered against the petitioner and his mother namely Asha Dhir, who has since died. At present *challan* has been presented and petitioner is facing trial. The matrimonial dispute has been amicably settled between the parties in terms of the settlement dated 24.02.2022 (Annexure P-2). The marriage of the petitioner and respondent No.2 has been dissolved by decree of divorce by mutual consent in terms of the judgment and decree dated 29.08.2022 passed by the learned Family Court, Ferozepur. The petitioner shall pay a sum of Rs. 7.10 Lakhs on account of permanent alimony to the respondent No.2. The custody of the minor children shall remain with respondent No.2.

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.06 dated 10.05.2017 under Sections 406, 498-A IPC registered at Police Station Women Cell, Ferozepur, is ordered to be quashed, however, qua the petitioner only.

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

31.08.2022
anil

(VIVEK PURI)
JUDGE

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