

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

**CRM-M-10499-2021
Date of Decision: 08.07.2022**

VARUN SHARMA AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Arora, Advocate for the petitioners.

Ms. Ishneet Kaur, AAG Punjab.

Mr. Dheeraj Mahajan, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 174 dated 05.09.2020 registered under Sections 498-A, 406 of the Indian Penal Code at Police Station City Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-1).

On 05.03.2021, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 05.03.2021 , learned Chief Judicial Magistrate, Gurdaspur has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“ It is submitted that from the statements of the parties, it appears that the compromise is genuine, voluntary and without any coercion or undue influence. There are three accused persons namely Varun Sharma, Subhash Kumar alias Subhash Sharma and Kamla Devi in the present FIR case. No other criminal case is pending against the petitioners/accused. No person has been get declared as proclaimed offender in the present case.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled in terms of the compromise deed dated 12.02.2021. The marriage of petitioner No.1 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree passed by the Family Court, Gurdaspur. The custody of the minor daughter shall remain with petitioner No.1. A sum of Rs. 8.5 Lakhs has been paid to respondent No.2 in full and final settlement of her claim for permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he 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-1). 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. 174 dated 05.09.2020 registered under Sections 498-A, 406 of the Indian Penal Code at Police Station City Gurdaspur and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

08.07.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No