

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7896-2020

Date of Decision: 21.11.2022

ARJUN KUMAR

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Shiuender Pal, Advocate for
Mr. B.S.Bhalla, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

None for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No.164 dated 17.12.2015 under Sections 498-A and 406 IPC registered at Police Station Chabbewal, District Hoshiarpur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 24.02.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 24.02.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Hoshiarpur, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1)As regard to point No.1, report of concerned SHO was called, who submitted that there is only one accused namely Arjun in FIR and none of them is absconding or P.O.

It is submitted that accused Arjun Kumar appeared and his statement was recorded.

2)As regard to point No.2, as per report of concerned SHO name of the complainant is Gurwinder Kaur W/o Arjun Kumar.

Complainant Gurwinder Kaur also appeared and got her statement recorded in support of the compromise.

3)As regard to point No.3, as per report of Ahlmad, no challan or remand papers pertaining to this case is pending in the court.

4)In regard to point No.4, it is submitted that in compliance to the said order of Hon'ble High Court, complainant Gurwinder Kaur and accused/petitioner Arjun appeared before this court on 6.7.2020 and their statements were recorded.

Complainant Gurwinder Kaur suffered a statement that she has entered into compromise with accused Arjun Kumar in FIR No.164 dated 17.12.2015, U/S 498-A, 406 IPC vide settlement/agreement dated 22.5.2017 in CRM-M-23204 of 2016 before Mediator Maninder Kaur in Mediation Centre, Chandigarh. She is residing with accused Arjun Kumar peacefully since the date of compromise. No dispute ever arose between them since 22.5.2017. Arjun Kumar is complying all the conditions of settlement/agreement dated 22.5.2017. She has no objection, if FIR No.164 dated 17.12.2015, U/S 498-A, 406 IPC P.S.Chabbewal is quashed.

Thereafter, accused Arjun Kumar suffered separate statement that he entered into compromise with complainant Gurwinder Kaur W/o Arjun Kumar vide settlement/agreement dated 22.5.2017 in CRM-M-23204 of 2016 before Mediator Maninder Kaur in Mediation Centre,

Chandigarh. He is residing with complainant Gurwinder Kaur peacefully since the date of compromise. No dispute ever arose between them since 22.5.2017. He is complying all the conditions of settlement/agreement dated 22.5.2017.

It is submitted that in view of the statement of the complainant Gurwinder Kaur and accused/petitioner Arjun Kumar, this court is satisfied that compromise between the parties is genuine and voluntary and out of their free will.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized on 13.06.2008 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled in terms of the settlement/agreement (Annexure P-2) effected in the Mediation and Conciliation Centre of this Court. The petitioner and respondent No.2 have resumed cohabitation. Respondent No.2 alongwith minor child is happily residing in the matrimonial home.

On the previous date of hearing, none had appeared on behalf of respondent No.2. Even today, none has appeared on behalf of respondent No.2. However, there is categoric report of the trial Court accompanied by the statement of respondent No.2 acknowledging the fact of compromise. In the statement, it has been specifically mentioned by respondent No.2 that she is peacefully residing with the petitioner since the date of compromise and no dispute has arisen between them since 22.05.2017. The petitioner is complying with all the conditions of settlement/agreement and she 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. 164 dated 17.12.2015 under Sections 498-A and 406 IPC registered at Police Station Chabbewal, District Hoshiarpur and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

21.11.2022
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(VIVEK PURI)
JUDGE

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