

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

258

**CRM-M-10221 of 2022
Date of decision: 15.12.2022**

Vijay Kumar Gupta and Ors.

..Petitioners

Vs.

State of Punjab and Ors.

..Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Rakhi Sharma, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Deepak Mittal, Advocate for
respondents No.2 and 3.

VIVEK PURI, J.(ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.90 dated 19.08.2016, under section 498-A IPC at Women Police Station, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 17.05.2022, 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 send its report regarding genuineness of the compromise.

In compliance of the order dated 17.05.2022, learned Judicial Magistrate Ist Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“It is respectfully submitted that as per record there are three accused namely Vijay Kumar Gupta, Poonam Rani and Manoj Gupta and all the accused appeared before the court and suffered statement qua compromise. Copy of compromise Ex.CX was placed on record by the parties and all the accused are party to the said compromise. Statement of ASI Roop Singh Bhangu was recorded and he stated that as per record, no accused has been declared proclaimed offender and no other criminal case is pending against the accused in Police Station, Women Cell, Ludhiana.

In view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter and out of free will of parties.”

Learned counsel for the petitioner contends that marriage of respondent No.2 was solemnized with respondent No.3 on 12.01.2011 and a daughter has been born from the wedlock. Respondent No.2 and respondent No.3 are having cordial relations. The dispute is between the petitioners No. 1, 2 and 3 who are the father-in-law, mother-in-law and brother-in-law respectively of respondent No.2. On account of the discord, the respondent No.2 and 3 along with the minor child shifted their residence to Panchkula. Now, the dispute has been amicably settled between the parties in terms of the Annexure P-2. The respondent No. 2 and 3 along with minor daughter have started residing in a separate house at Ludhiana i.e. the place of in-laws of petitioner No.2. The amicable settlement will help in maintaining healthy relations between the parties who are close relatives.

Learned counsel for respondent No.2 has acknowledged the fact of compromise 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 family 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.90 dated 19.08.2016, under section 498-A IPC at Women Police Station, District Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

December 15, 2022
Poonam Sharma

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No