

CRM-M-11525-2021 (O&M)
Date of decision: 28.04.2022

SAMEER GROVER AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. A.K.Khunger, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 334 dated 19.12.2020 under Sections 498-A/406/34 IPC, 1860, registered at Police Station City Malout, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom, on the basis of compromise.

On 03.02.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 03.02.2022, learned Sub Divisional Judicial Magistrate, Malout has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

*“From the aforesaid statements of the concerned parties,
it appears that:-*

*(1) Only two persons are arrayed as accused in the
FIR.*

- (2) *None of accused is declared proclaimed offender.*
- (3) *The parties have voluntarily, without any pressure or coercion or undue influence, and out of their free will and consent have entered into the compromise between themselves and have settled the matter amicably and the said compromise seems to be voluntary, genuine and true.*
- (4) *No other criminal case was registered against accused (1) Sameer Grover son of Saroop Lal Grover and (2) Santosh Grover wife of Saroop Lal Grover both residents of Bhora Wali Gali, Ward Number 07, Malout, Tehsil Malout, District Sri Muktsar Sahib.*
- (5) *As per police record there was only one victim/complainant in this case namely Shinki Jalhotra wife of Sameer Grover (Daughter of Parveen Kumar), resident of Gali No.4, Ward No.7, Malout, Tehsil Malout, District Sri Muktsar Sahib. ”*

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties through mediation and Annexure P-2 is the settlement agreement. In terms of compromise, the lumpsum maintenance to the tune of Rs. 25,00,000/- has also been paid and furthermore, the marriage between petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act. Annexure P-8 is the copy of judgement dated 28.09.2021 passed by the Court of learned Principal Judge, Family Court, Camp Malout. No other case is pending between the parties.

After hearing the 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. 334 dated 19.12.2020 under Sections 498-A/406/34 IPC, 1860, registered at Police Station City Malout, District Sri Muktsar Sahib and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

28.04.2022
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(VIVEK PURI)
JUDGE

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