

CRM-M-14671-2021
Date of Decision: 22.09.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Kuljit Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.0157 dated 30.10.2020 under Sections 406, 498-A, 34 IPC registered at Police Station Khuian Sarwar, District Fazilka and all the consequential proceedings arising therefrom on the basis of compromise.

On 01.04.2021, the parties were directed to get their statements recorded before the learned Illaqa Magistrate.

In compliance of the order dated 01.04.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Abohar, has sent the report and the relevant portion whereof reads as under:-

“This court is satisfied from the statements being recorded before Ld. Duty Magistrate that the compromise in the present case is valid, genuine, voluntary and without any coercion or undue influence or pressure;

There is one complainant in the present case whose name is Mandeep Kamboj wife of Raman Kumar.

There are seven accused persons in the present

case whose name are Raman Kumar son of Sumer Chand, Sumer Chand son of Ram Chand, Parkash Rani wife of Sumer Chand, Vikas son of Sumer Chand, Anu Bala wife of Chanchal, Subhash Chander son of Ram Chand and accused Sheela Rani wife of Subhash Chander.

The above-said accused persons have not been declared as proclaimed offenders nor any such previous criminal antecedents of any of the accused is revealed from statement of IO.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 10.03.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. 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 District & Sessions Judge, Fazilka. Both the parties have exchanged their respective articles and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he 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.0157 dated 30.10.2020 under Sections 406, 498-A, 34 IPC registered at Police Station Khuian Sarwar, District Fazilka and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

22.09.2022
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(VIVEK PURI)
JUDGE

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