

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

CRM-M-13343-2022 (O&M)
Date of decision: 21.09.2022

Sandeep Seerha and another

.....Petitioners.

vs.

State of Punjab and another

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE VIVEK PURI

Present: - Mr. Vivek Sharma Vashisht, Advocate, for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Naveen Sharma, Advocate,
for the complainant-respondent No. 2.

.....

VIVEK PURI, J.

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.79 dated 23.07.2021 under Sections 406, 498-A IPC, registered at Police Station Women, Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 25.05.2022, 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 25.05.2022, learned Judicial Magistrate Ist Class, Ludhiana, has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“The undersigned has orally asked the accused and complainant about the compromise to which they submitted that the compromise is genuine, voluntary and without any coercion or undue influence. Hence, I am of the considered view that the compromise between the complainant and accused is valid, genuine, voluntary and without any coercion or undue influence. There are only two accused arrayed in the present case namely Sandeep Seerah and Kulveer Kaur. They never declared PO and no other case is pending or decided against accused as per statement of IO. Now matter has been compromised between the parties.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 17.01.2020. No child was born out of the said wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the settlement/agreement (Annexure P-2) in the Mediation and Conciliation Centre of this Court. 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 the Hindu Marriage Act in terms of the judgment and decree dated 04.07.2022 passed by the learned Family Court, Ludhiana. A sum of Rs. 4,25,000/- has been paid

to respondent No. 2 on account of permanent alimony. She has also withdrawn applications filed under Section 125 Cr. P.C and Section 12 of the Protection of Women from Domestic Violence Act. No other case is pending between the parties.

Learned counsel for respondent No.2 states that she has no objection if FIR is quashed.

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.79 dated 23.07.2021 under Sections 406, 498-A IPC, registered at Police Station Women, Ludhiana, 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.

21.09.2022
preeti

(VIVEK PURI)
JUDGE

whether speaking/reasoned	yes/no
whether reportable	yes/no