

278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13603-2022
Date of Decision: 26.07.2022

ASHISH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anterpreet Singh, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. B.S.Aulakh, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 16 dated 05.02.2018, under Sections 494/498-A IPC, registered at Police Station Women, District Ludhiana, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 31.03.2022, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 31.03.2022, learned Judicial Magistrate Ist Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“ It is further humbly submitted that as per the

statement of complainant Meenu Rani/respondent no.2 and of the accused/petitioner namely Ashish Kakkar it appears that a valid and genuine compromise has been entered upon between the complainant and the accused named above and as per the statements of the complainant as well as accused have consented for the compromise. And as per the statement of Retd. Inspector Tarsem Singh investigating officer, (Ashish Kakkar/petitioner) was not found to be involved in any other case nor he was declared proclaimed person/offender in the present case or any other case.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled in terms of the compromise dated 25.03.2022, Annexure P-2. The petitioner and respondent No.2 are happily residing together with the minor child in the matrimonial house.

Learned counsel for respondent No.2 has acknowledged this fact 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-2). 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 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*.

Accordingly, the present petition is allowed and FIR No. 16 dated 05.02.2018, under Sections 494/498-A IPC, registered at Police Station Women, District Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

26.07.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No