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Date of Decision: 30.09.2022

SUMESH HANDA **.. PETITIONER**

V/S

2. CRM-M-33194-2022

ANITA HANDA **.. PETITIONER**

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chetan Bansal, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Vipul Sherwal, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

This petition shall dispose of CRM-M-13919-2022 and CRM-M-33194-2022.

Present petitions under Section 482 Cr.P.C. are for quashing of FIR No. 70 dated 02.06.2017 under Sections 406 and 498-A IPC registered at Police Station City Nawashahar, District S.B.S.Nagar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Vide order dated 29.07.2022 in CRM-M-33194-2022 and

15.07.2022 in CRM-M-13919-2022, 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 abovesaid orders, learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“a) that two accused persons namely Sumesh Handa and Anita Handa have been arraigned as accused in the present FIR;

b) that as per the statement recorded by IO/SI Varinder Kumar and as per the record of judicial file, no accused has been declared as proclaimed offender;

c) that on the basis of statements suffered before this Court by the parties, this Court is of the considered view that the compromise entered between the parties i.e., complainant Babita Handa and accused Sumesh Handa and Anita Handa is genuine, voluntary and without any coercion or undue influence. The compromise is not the result of any fraud or misrepresentation and is the result of free Will of the parties;

d) that as per the statement recorded by IO/SI Varinder Kumar, the accused persons namely Sumesh Handa and Anita Handa are not involved in any other case; and

e) that as per the statement recorded by IO/SI Varinder Kumar, there is only one victim/complainant namely Babita in the present case.”

Learned counsel for the petitioners contend that the marriage of Sumesh Handa-petitioner was solemnized with respondent No.2 in the year 2004 and a daughter has been born from the wedlock. The matrimonial

compromise, Annexure P-2. The marriage of Sumesh Handa-petitioner 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 22.02.2022 passed by the Court of learned Principal Judge, Family Court, SBS Nagar. A sum of Rs. 12 Lakhs has been paid on account of permanent alimony to respondent No.2. The custody of the minor daughter shall remain with respondent No.2. No other case is pending between the parties.

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 cases 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.

CRM-M-13919-2022
CRM-M-33194-2022

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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 petitions are allowed and FIR No. 70 dated 02.06.2017 under Sections 406 and 498-A IPC registered at Police Station City Nawashahar, District S.B.S.Nagar and all the consequential proceedings arising therefrom are quashed qua the petitioner only in both the petitions.

30.09.2022

Janki

(VIVEK PURI)
JUDGE

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