

262 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14053-2022 (O&M)

Date of Decision: 05.08.2022

RAJAT AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Himani Kapila, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Sushant Gupta, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 197 dated 08.10.2020 under Sections 498-A, 406 IPC registered at Police Station City Gurdaspur, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 02.04.2022, 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 02.04.2022, learned Chief Judicial Magistrate, Gurdaspur has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“In view of the above said statements of the

parties, it is submitted that there are three persons namely Surinder Nath, Raj Dulari and Rajat are arraigned as accused in the present FIR as per statement of Investigating Officer.

No person has been get declared as proclaimed offender in the present case as per statement of Investigating Officer.

The compromise is genuine, voluntary and without any coercion or undue influence.

The accused persons are not involved in any other case as per statement of Investigating Officer.

There is only one complainant/victim namely Rajni in the present FIR case as per statement of Investigating Officer.

Report on the basis of compromise, which is found genuine, voluntary and without any coercion or undue influence from the statements of the parties.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise, 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 Hindu Marriage Act. A sum of Rs. 2 Lakhs has been paid on account of permanent alimony and 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).

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. 197 dated 08.10.2020 under Sections 498-A, 406 IPC registered at Police Station City Gurdaspur, District Gurdaspur and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

05.08.2022

Janki

(VIVEK PURI)
JUDGE

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