

CRM-M-17723-2022
Date of Decision: 02.12.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Anshul Sharma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.36 dated 16.03.2020 under Section 498-A IPC registered at Police Station Garhshankar, District Hoshiarpur and all the consequential proceedings arising therefrom on the basis of compromise.

On 15.07.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 15.07.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Garhshankar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“I am satisfied that the statement has been made by parties in the Court with free consent voluntarily and without undue influence fear. The original statement of persons as mentioned above is attached alongwith.”

The report also indicates that there are only two accused and one complainant/victim. None of the accused has been declared as proclaimed offender

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 11.12.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the settlement/agreement contained at Annexure P-2. Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act, wherein statements of the parties have been recorded even at the stage of second motion but judgment is yet to be pronounced. A sum of Rs.20 lac has been paid to respondent No.2 on account of permanent alimony 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.36 dated 16.03.2020 under Section 498-A IPC registered at Police Station Garhshankar, District Hoshiarpur 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.

02.12.2022
smriti

(VIVEK PURI)
JUDGE

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