

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

**CRM-M-18221-2022
Date of Decision: 08.08.2022**

**ROBIN DHALL ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankur Bansal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. M.S.Sachdev, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 07 dated 12.01.2021 under Sections 406/498-A IPC registered at Police Station Women Cell, Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 19.05.2022, 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 order dated 19.05.2022, learned Judicial Magistrate Ist Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“Investigation Officer of this case namely, SI Varinder Singh No. 179/Jal posted at PS Women Cell, Jalandhar suffered statement that he was the investigating officer of this case. As per record, Shivani Dhall is the complainant/victim of the present case. Except her, there is no other

complainant/victim in the present case. The name of the accused is Robin Dhall. There is no other accused nominated in this case. None of the accused has been declared P.O in this case.

As per record the name of the complainant of the present case is Shivani Dhall is the complainant/victim of the present case. Except her, there is no other complainant/victim in the present case. The name of the accused is Robin Dhall. There is no other accused nominated in this case. None of the accused has been declared P.O in this case. Both parties appeared in the court and suffered statement regarding compromise. At present, the case is pending for evidence of prosecution.

Both parties have compromised the matter. There is no grudge remain between the parties. The compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled in terms of compromise, Annexure P-2. Though there were allegations against the other relatives of the petitioner but they were found innocent during the course of investigation and the challan has been presented only against the petitioner. The petitioner and respondent No. 2 have moved a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein the statements of the parties have been recorded and the matter is pending final disposal. A sum of Rs.22 Lakhs has been paid on account of permanent alimony to respondent No.2. Both the parties have withdrawn all other cases/complaints instituted against each other.

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. 07 dated 12.01.2021 under Sections 406/498-A IPC registered at Police Station Women Cell, Jalandhar and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

08.08.2022

Janki

(VIVEK PURI)
JUDGE

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