

280 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19381-2022
Date of Decision: 21.11.2022

AVTAR SINGH ... PETITIONER
V/S
STATE OF UT CHANDIGARH & ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.G.S.Saini, Advocate, for the petitioner.
Ms. Ananya Ahluwalia, Advocate for
Mr. Sumit Jain, Addl.P.P. for U.T.Chandigarh.
Mr. Raman Sharma, Advocate, for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.0082 dated 27.07.2017 under Sections 406 and 498-A IPC registered at Women Police Station, Chandigarh, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 25.08.2022 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 25.08.2022, learned Judicial Magistrate First Class, Chandigarh has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. In the present case, as per record, there is only one accused namely Avtar Singh.

2. In view of the statement of Investigating Officer, the accused has not been declared Proclaimed Offender in the present case.

3. The assessment regarding the veracity of compromise, is genuine, voluntary and out of free will.

4. In view of the statement of accused, the FIR in question is only against him and he has not been involved in any other case and no other FIR has been registered against him.

5. The name of the complainant is Kusam Bala and the name of the accused is Avtar Singh.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 17.02.2012 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of settlement agreement contained at Annexure P-2. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of judgment and decree dated 16.03.2018 passed by the Court of learned Additional District Judge, Chandigarh. Respondent No.2 has received an amount of Rs.80,000/- on account of permanent alimony and the articles of *istridhan* 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. 0082 dated 27.07.2017 under Sections 406 and 498-A IPC registered at Women Police Station, Chandigarh, and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

21.11.2022

Janki

(VIVEK PURI)
JUDGE

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