

**258 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

CRM-M-36261-2018(O&M)
Date of Decision: 04.08.2022

Puneet Kapil @ Sachin and Others

...Petitioners

V/S

State of Punjab and Another

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Munjal, Advocate
for the petitioners.

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

Mr. Manjeet Singh, Advocate
for Mr. Sandeep Saini, Advocate
for respondent No. 2.

VIVEK PURI J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 0112, dated 30.08.2016 registered under Sections 498-A, 406 and 34 of Indian Penal Code at Police Station Division No. 2, Pathankot, and all consequential proceedings arising therefrom, on the basis of compromise.

On 04.04.2022, 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 send its report regarding genuineness of the compromise.

In compliance of the aforesaid order, report has been received from the court of Ld. Judicial Magistrate Ist Class, Pathankot and relevant portion of the same is reproduced below:

“After going through the statements and the file, I am satisfied that petitioner/accused Puneet Kapil @ Sachin and Lalit Kumar and respondent/complainant Shally Sharma @ Shalli have got recorded their statements voluntarily with regard to the compromise and the compromise is genuine one.

It is submitted:-

(1) That as per statement of Investigating Officer, there are only three accused persons i.e. Puneet Kapil @ Sachin, Lalit Kumar and Amrit Pal (since died) arrayed in the FIR. There is only one complainant namely Shelly Sharma alias Shalli in the present FIR.

(2) That, as per statement of Investigating Officer, no accused has been declared as proclaimed offender.

(3) That, as per statements of complainant Shelly @ Shalli and accused Puneet Kapil alias Sachin and Lalit Kumar the compromise is genuine, voluntary and without any coercion or undue influence.

(4) That, as per statement of Investigating Officer, no other case is pending against accused persons.

(5) That, as per statement of Investigating Officer, there is only one complainant namely Shelly Sharma alias Shalli.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2). Marriage of the petitioner No. 1 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, vide judgment and decree dated 05.02.2019, passed by the court of Ld. Family Court, Pathankot. A sum of Rs. 5,50,000/- has been paid by the petitioners to respondent No. 2, on account of permanent alimony.

Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has 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***.

Accordingly the present petition is allowed and FIR No. 0112 dated 30.08.2016 under Sections 498-A, 406 and 34 IPC registered at Police Station Division No. 2, Pathankot and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

04.08.2022
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No