

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21746-2022
Date of Decision: 30.09.2022

ABODH KUMAR ... PETITIONER
VS.
STATE OF U.T.,CHANDIGARH AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Suneet Kumar, Advocate, for the petitioner.

Mr. Akun Sheemar, Advocate for
Mr. Anil Kumar Lamdharia, APP for U.T.Chandigarh.

Mr. Hemant Jain, Advocate (Legal Aid Counsel)
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No.30 dated 16.04.2018 under Sections 498-A and 406 IPC registered at Women Police Station, Chandigarh and all the consequential proceedings arising therefrom on the basis of compromise.

On 02.08.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 02.08.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Chandigarh, has sent the report and the relevant portion whereof reads as under:-

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

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

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 Neelam and the name of the accused is Abodh Kumar.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 10.10.2016 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The petitioner and respondent No.2 have resumed cohabitation. Respondent No.2 alongwith minor daughter is happily residing in the matrimonial house.

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.30 dated 16.04.2018 under Sections 498-A and 406 IPC registered at Women Police Station, Chandigarh and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

30.09.2022
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(VIVEK PURI)
JUDGE

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