

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

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**CRM-M-24942 of 2022
Date of decision: 14.12.2022**

Sahil Softa

..Petitioner

Vs.

State of Punjab and Another

..Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Tejwinder Singh Hundal, Advocate for respondent No.2.

VIVEK PURI, J.(ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 101 dated 14.10.2021, under Sections 406/498-A IPC,1860 registered at Women Police Station, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise dated 26.05.2022 (Annexure P-2).

On 01.06.2022, 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 01.06.2022, learned Judicial

Magistrate Ist Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

- “i) There is only one accused in the present FIR i.e. Sahil Softa;
- ii) As per the statement of accused and Investigating Officer, the accused has never been declared Proclaimed Offender.
- iii) From the statement of parties so recorded in the court on oath the aforesaid compromise appears to be genuine one and also appears to be entered into voluntarily with free will of the parties without any coercion, under influence or pressure of any kind;
- iv) As per the statement of accused, he is not involved in any other case;
- v) As per the Investigating Officer, there is only one complainant namely Deep Shikha”.

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 26.05.2022 (Annexure P-2). The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent, wherein the statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs. 27,00,000/- to respondent No.2 on account of permanent alimony as per the terms of settlement. The custody of the minor daughter shall remain with respondent No.2. The articles of Istri

Dhan have been taken by respondent No.2. No other case is pending between the parties

Learned counsel for respondent No.2 has acknowledged the fact of compromise 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-1). 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. 101 dated 14.10.2021, under Sections 406/498-A IPC,1860 registered at Women Police Station, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

December 14, 2022
Poonam Sharma

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No