

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

**CRM-M-25717-2022
Date of Decision: 09.09.2022**

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

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Manjari Joshi, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Ms. Akanksha, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 132 dated 28.12.2019 under Section 498-A IPC registered at Police Station Women, Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 04.07.2022, 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 04.07.2022, learned Judicial Magistrate Ist Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“SI Anju Bala No.18/JPCT posted at PS Women Cell, Jalandhar stated that as per record the name of the complainant of the present case is Preeti and except her there is no other complainant in this FIR. The name of the accused person is Johny. Except him, there is no other persons nominated by the police as accused. As per record, accused is neither involved in any other case in Jalandhar nor

declared proclaimed offender in any other criminal case in Jalandhar.

As per record the name of the complainant of the present case is Preeti and except her there is no other complainant in this FIR. The name of the accused person is Johny. Except him, there is no other persons nominated by the police as accused. As per record, accused is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar. At present, the case is pending for prosecution evidence.

Both parties have compromised the matter. There is no grudge remain between 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 the marriage of the petitioner was solemnized with respondent No.2 about 20 years ago and three children were born from the wedlock. At the earlier instance, the petitioner and respondent No.2 had instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent. However, after the institution of the present petition and also the petition under Section 13-B of the Hindu Marriage Act, another amicable settlement has been effected between the parties. The respondent No.2 has resumed cohabitation with the petitioner. The respondent No.2 along with the children is presently happily residing in the matrimonial home with the petitioner. The petition under Section 13-B of the Hindu Marriage Act has also been withdrawn. The petitioner had earlier instituted a petition under Section 13 of the Hindu Marriage Act and the same has since been withdrawn.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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. 132 dated 28.12.2019 under Section 498-A IPC registered at Police Station Women, Jalandhar and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

09.09.2022

Janki

(VIVEK PURI)
JUDGE

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