275/2 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

Date of Decision: 24.05.2022

1. **CRM-M-8243-2015**

USHA RANI AND OTHERS **... PETITIONERS**

V/S

STATE OF PUNJAB AND ANOTHER **... RESPONDENTS**

2. **CRM-M-1449-2016 (O&M)**

PARAMJIT SODHI **... PETITIONER**

V/S

STATE OF PUNJAB AND ANOTHER **... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Sushma Chopra, Advocate for the petitioners.

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

Ms. Simi Kandra, Advocate for
Mr. J.S.Thind, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 182 dated 25.06.2013 under Sections 420/494/498-A/506/120-B IPC registered at Police Station Nakodar, District Jalandhar and all the consequential proceedings arising therefrom.

During the pendency of the petition, an amicable settlement has been effected between the parties. In terms of the order dated 02.11.2021, in CRM-M-8243-2015, the parties were directed to get the 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

JANKI BHATT
2022.05.26 18:03
I attest to the accuracy and
authenticity of this order
High Court Chandigarh

regarding genuineness of the compromise.

In compliance of the order dated 02.11.2021, learned Sub-Divisionsal Judicial Magistrate, Nakodar has recorded the statements of the parties and submitted her report, the relevant portion whereof reads as under:-

> "1. Complainant namely Jasbir Kaur daughter of Sohan Lal appeared through video conferencing. In her statement she identified the four accused persons and the complainant was also duly identified by Sh. Manish Tiwari Advocate as counsel for complainant. Accused Usha Rani, Tarsem Lal, Mamta, Kanso were present in person before the court and got recorded their statements to support the compromise so effected between the parties.
>
> 2. Both the parties have entered into compromise voluntarily and out of their free will.
>
> 3. No accused has been declared proclaimed offender in the above said FIR and no P.O. proceeding is pending against any accused."

The aforesaid report was submitted after recording the statement of the petitioners and respondent No.2 in CRM-M-8243-2015. However, a separate petition was filed by Paramjit Sodhi, the husband of the complainant and consequently, his statement could not be recorded by the learned trial Court.

Consequently, in terms of the order dated 14.02.2022, the parties in CRM-M-1449-2016 were also directed to appear before the learned trial Court/ Illaqa Magistrate for getting the statements recorded. 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 14.02.2022, learned Sub-Divisionsal Judicial Magistrate, Nakodar has recorded the statements of the parties and submitted her report, the relevant portion whereof reads as

JANKI BHATT
2022.05.26 18:03
I attest to the accuracy and
authenticity of this order
High Court Chandigarh

under:-

> "1. As per statement of investigating officer ASI Paramjit Singh No.190 there are five persons arrayed as accused in the FIR namely Usha Rani, Paramjit Sodhi, Tarsem Lal, Mamta and Kanso.
>
> 2. As per statement of Investigating officer, no accused has been declared proclaimed person in the above said FIR.
>
> 3. Both the parties have entered into compromise voluntarily and out of their free will.
>
> 4. As per statement of Investigating officer, there is no any other case is pending against above said accused.
>
> 5. As per statement of the investigating officer, there is only one victim/complainant in the present FIR."

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled in terms of the compromise, Annexure A-1. The marriage between Paramjit Sodhi and respondent No.2 Jasbir Kaur has been dissolved by a decree of divorce. Two daughters born from the wedlock are in the custody of the husband, Paramjit Sodhi. Furthermore, after the dissolution of the marriage both the parties have solemnized 2nd marriage and a son has been born to the respondent No.2 from the 2nd wedlock.

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

JANKI BHATT
2022.05.26 18:03
I attest to the accuracy and
authenticity of this order
High Court Chandigarh

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 petitions are allowed and FIR No. 182 dated 25.06.2013 under Sections 420/494/498-A/506/120B IPC registered at Police Station Nakodar, District Jalandhar and all the consequential proceedings arising therefrom are quashed qua the petitioners.

24.05.2022 (**VIVEK PURI**)
Janki **JUDGE**

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

JANKI BHATT
2022.05.26 18:03
I attest to the accuracy and
authenticity of this order
High Court Chandigarh