

285 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27927-2022
Date of Decision: 14.09.2022

SATISH PATHAK AND ANOTHER ... PETITIONERS

V/S

STATE OF UT CHANDIGARH AND ANOTHER
... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dinesh Maurya, Advocate for the petitioners.

Mr. Sumit Jain, Addl. P.P. U.T. Chandigarh.

Mr. Amit Kumar, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 007 dated 02.01.2019, under sections 406, 498-A IPC registered at Police Station Women, Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 05.07.2022, 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 05.07.2022, learned Civil Judge, Jr. Division-cum-JMIC, Chandigarh has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as

under:-

“In view of statements of parties, the compromise is genuine, without any pressure or undue influence. As per statement of I.O., no PO proceedings are pending against the accused persons namely Satish Pathak and Ravinder Pathak and they are not involved in any other case. Further there is only one complainant/victim in the present FIR namely Seema d/o Sh.Deepak Sharma. The present case is at the stage of arguments on charge.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 06.05.2013 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of 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 in terms of the judgment and decree dated 06.04.2022 passed by the Court of learned Addl. District Judge, Chandigarh. A sum of Rs. 7,30,000/- has been paid to respondent No.2 in full and final settlement of her claim for permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact 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-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. 007 dated 02.01.2019, under sections 406, 498-A IPC registered at Police Station Women, Chandigarh and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

14.09.2022

Janki

(VIVEK PURI)
JUDGE

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