

282 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28332-2022
Date of Decision: 13.09.2022

PRITAM SINGH AND ANOTHER ... PETITIONERS

V/S

STATE OF UT CHANDIGARH AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Aarti Pandit, Advocate for
Mr. J.S.Dadwal, Advocate for the petitioners.

Ms. Vasundhra Dalal Anand, Addl. P.P. U.T. Chandigarh.

Mr. Sanjeev Kumar Bawa, 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. 174 dated 21.12.2019 registered under Sections 406, 498-A of the Indian Penal Code at Police Station Women, U.T. Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 07.07.2022, 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 07.07.2022, learned Judicial Magistrate Ist Class, Chandigarh has recorded the statements of the parties

and submitted the report, the relevant portion whereof reads as under:-

“ (i) From the statements of the parties, it seems that the compromise between the parties is genuine, voluntary and the same has been arrived at between the parties without any undue influence or pressure.

(ii) As per the statement of the Investigating Officer of this case, the accused of the present FIR are not involved in any other case and they have never been declared proclaimed persons in this case or in any other criminal case.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 28.12.2014 and a male child has been born from the wedlock. Although there are allegations against the other family members but the FIR has been registered only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner No.1 and respondent No.2 have resumed cohabitation. Respondent No.2 along with the minor son is happily residing in the matrimonial home. 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-3).

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. 174 dated 21.12.2019 registered under Sections 406, 498-A of the Indian Penal Code at Police Station Women, U.T. Chandigarh and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

13.09.2022

Janki

(VIVEK PURI)
JUDGE

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