

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

**CRM-M-28630-2022
Date of Decision: 10.10.2022**

PRINCE KUMAR

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Sanamjeet Kaur, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Saurabh Savara, 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. 15 dated 19.02.2020, under section 498-A IPC registered at Police
Station Anandpur Sahib, Tehsil and District Rupnagar and all the
consequential proceedings arising therefrom, on the basis of compromise
(Annexure P-2).

On 20.07.2022, 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 20.07.2022, learned Sub-
Divisional Judicial Magistrate, Sri Anadpur Sahib has recorded the
statements of the parties and submitted the report, the relevant para whereof

reads as under:-

“(i). One accused namely Prince Kumar is facing trial in the present case;

(ii). As per record and as per the above statement of Investigating Officer, the accused was not declared proclaimed offender at any stage of the trial;

(iii). At present the case is pending for prosecution evidence;

(iv). From the above statements of complainant namely Vadana Devi and accused namely Prince Kumar, this court is of the view that compromise is genuine, voluntarily and without any threat or coercion and undue influence. ”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 19.04.2016 and two children have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of Deed of Settlement, Annexure P-2. The petitioner and respondent No.2 have resumed cohabitation. Respondent No.2 along with both the minor children is happily residing with the petitioner in the matrimonial home.

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. 15 dated 19.02.2020, under section 498-A IPC registered at Police Station Anandpur Sahib, Tehsil and District Rupnagar and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

10.10.2022

Janki

(VIVEK PURI)
JUDGE

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