

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28371-2020
Date of Decision: 25.05.2022

KUMAR SOURAV

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Liaqat Ali, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. T.S.Rai, Advocate for
Ms. Sajida Akhtar, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 121 dated 14.10.2018 under Sections 406 and 498-A IPC registered at Police Station Bilga District Jalandhar Rural and all the subsequent proceedings arising therefrom on the basis of compromise.

On 17.09.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 17.09.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Phillaur, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“From the above said statements of the complainant and accused, this Court is of the view that the compromise has been effected between the complainant Prabhjot and accused Kumar Sourav and same is genuine, voluntary, without any coercion or undue influence.”

It has also been reported that there is no other complainant except respondent No2 and no other accused except petitioner.

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-3. The marriage of petitioner 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 judgment and decree dated 30.04.2021 passed by the Court of learned Principal Judge, Family Court, Jalandhar, Camp Court at Phillaur. A sum of Rs.10 lakhs has been paid to respondent No.2 on account of permanent alimony and no other case is pending between the parties.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. The compromise is without any pressure and 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*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 121 dated 14.10.2018 under Sections 406 and 498-A IPC registered at Police Station Bilga District Jalandhar Rural and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

25.05.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No