

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

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**CRM-M-32405 of 2022
Date of decision: 15.12.2022**

Sachin Handa

..Petitioner

Vs.

State of Punjab and Another

..Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arjun Veer Sharma, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Naveen Sharma, Advocate for respondent No.2.

VIVEK PURI, J.(ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 100 dated 07.10.2021, under sections 406, 498-A IPC registered at Police Station Women Cell Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 27.07.2022, 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 27.07.2022, learned Judicial

Magistrate Ist Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“Hence, I am of the considered view that the compromise between the complainant and accused is valid, genuine, voluntary and without any coercion or undue influence. There is only one accused arrayed in the present case namely Sachin Handa. Accused have never been declared proclaimed offender nor he is involved in any other case as per statement of IO SI Sukhwinder Singh. Now matter has been compromised between the parties.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent wherein the statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs. 3,50,000/- on account of permanent alimony to respondent No.2 as per the terms of settlement. Respondent No.2 has withdrawn the application under Section 125 Cr.P.C. and the proceedings initiated by her under Protection of Women from Domestic Violence Act.

Learned counsel for respondent No.2 has acknowledged the fact of compromise 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-1). 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. 100 dated 07.10.2021, under sections 406, 498-A IPC registered at Police Station Women Cell Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

December 15, 2022
Poonam Sharma

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No