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**CRM-45955-2022 in/and
CRM-M-34046-2022
Date of Decision: 14.12.2022**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Arun Bansal, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through present application, the applicant/petitioners are seeking preponement of date of hearing in the main case.

Ms. Ruchika Sabherwal, AAG, Punjab, accepts notice on behalf of respondent No.1-State and Mr. Arun Bansal, Advocate, accepts notice on behalf of respondent No. 2.

By recording no objection from the learned State counsel as well as counsel for respondent No. 2, the main petition is taken up on Board today itself.

CRM-M-34046-2022

The petitioners are seeking to quash FIR No.08 dated 13.03.2022, under Sections 406 and 498-A IPC registered at Women Police

Station, Patiala and all the consequential proceedings arising therefrom on the basis of compromise.

On 03.08.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 03.08.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Patiala has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. As per the statement of Investigating Officer only Anshu Goel, Sunita Goel @ Sunita Goyle and Ajay Goel have been arraigned as accused in this FIR.

2. Investigating Officer has further submitted that no absconding/proclamation proceedings are pending against the accused persons in the present case.

3. From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.

4. As per the statement of Investigating Officer, there is no other criminal case is pending against the accused persons.

5. Only Anchal is victim/complainant in the present case and she has appeared in the Court for recording her statement in support of the compromise.”

Learned counsel for the petitioners contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 28.07.2022 (Annexure P-2) effected in the Mediation

and Conciliation Centre of this Court. The petitioner No.1 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 statements of the parties at the stage of first motion have been recorded. A sum of Rs.40 lac shall be paid to respondent No.2 on account of permanent alimony. A sum of Rs.30 lac has been paid to respondent No.2 and the balance amount of Rs.10 lac shall be paid when the statements of the parties at the stage of second motion are recorded. Respondent No.2 has withdrawn the application under Section 12 of Protection of Women from Domestic Violence Act and no other case is pending between the parties.

Learned counsel 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.08 dated 13.03.2022, under Sections 406 and 498-A IPC registered at Women Police Station, Patiala and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

14.12.2022
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(VIVEK PURI)
JUDGE

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