

265 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31772-2019
Date of Decision: 08.08.2022

AMIT KUMAR AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Uppal, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Abhishek Vethpal, Advocate for
Mr. Amandeep Singh, 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. 296 dated 19.11.2013 under Sections 406/498-A IPC registered at Police Station Dina Nagar, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 17.03.2022, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 17.03.2022, learned Judicial Magistrate Ist Class, Gurdaspur has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“After going through the First Information Report, report under Section 173 Code of Criminal

Procedure, statements of complainant Ruchi @ Ruchi Vij, accused persons namely Amit Kumar @ Amit Kansra, Mridula and Aditi and Investigating Officer ASI Vaishno Dass, the point wise report is as follows:

(I) As per statements of parties and Investigating Officer, accused namely Amit Kansra was arrayed as accused in FIR and accused Mridula and Aditi were summoned as an additional accused vide order dated 25.03.2015.

(II) As per statement of parties, accused Amit Kumar @ Amit Kansra, Mridula and Aditi are not proclaimed offenders and no proclaimed offenders proceedings are pending against them.

(III) The compromise is genuine, voluntarily and without any coercion and undue influence.

(IV) Except present FIR, accused Amit Kumar @ Kansra, Mridula and Aditi are not involved in any other FIR.

(V) As per statement of Investigating Officer, complainant Ruchi @ Ruchi Vij is the only complainant/victim in the present FIR.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled in terms of compromise, Annexure P-2. The marriage of petitioner No.1 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act. A sum of Rs. 6 Lakhs has been paid on account of permanent alimony to respondent No.2. 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-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. 296 dated 19.11.2013 under Sections 406/498-A IPC registered at Police Station Dina Nagar, District Gurdaspur and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

08.08.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No