

267 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38474-2022
Date of Decision: 16.11.2022

PANKAJ BEHAL ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Manju Goyal, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Aarush Neeraj Vaid, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 58 dated 17.10.2018 under Sections 406 and 498-A IPC registered at Women Police Station, Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 29.08.2022, 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 29.08.2022, learned Judicial Magistrate Ist Class, Bathinda has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“It is respectfully submitted that there is one complainant Mehak and there is one accused Pankaj Behal arrayed in the present FIR No. 58 dated 17.10.2018, under Section 498-A, 406 IPC PS Women Cell, Bathinda.

2. As per record no accused has been declared as proclaimed offender.

3. It is further submitted that in view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter.

4. As per record, accused person is not involved in any other case.

5. It is further submitted that statement of Investigating officer namely ASI Mangu Singh recorded and as per record and statement of investigating officer, there is one complainant/victim namely Mehak in the present FIR.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 17.04.2016 and a son has been born from the wedlock. Although, the complaint was submitted against the petitioner and other family members but the FIR has been registered only against the petitioner. The 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 in the learned Family Court, Bathinda, wherein statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs.11 lakhs to respondent No.2 on account of permanent alimony in terms of the settlement (Annexure P-2). The custody of minor son shall remain with respondent No.2. Both the parties shall withdraw the respective cases instituted by them against each other.

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. 58 dated 17.10.2018 under Sections 406 and 498-A IPC registered at Women Police Station, Bathinda and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

16.11.2022

Janki

(VIVEK PURI)
JUDGE

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