

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

CRM-M-43058-2021

Date of Decision: 19.09.2022

SONU RAM AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Vaishali Thakur, Advocate for
Mr. Vivek K. Thakur, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Ms. Gurkanwal Kaur, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No. 0089 dated 07.06.2018 under Sections 406 and 498-A IPC registered at Police Station Nangal, District Rupnagar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 09.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 09.03.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Nangal, District Rupnagar, has sent the report and the relevant portion whereof reads as under:-

“1. that FIR No.89 dated 07.06.2018 for offences under Section 498-A, 406 of IPC, PS Nangal, Distt. Rupnagar got registered on the statement of complainant Jyoti Sharma against accused Sonu Ram, Dev Raj @ Monu and Pushpa Devi, all residents of village Kartholi, P.S.Harot, Tehsil Bangana, District Una (H.P.). Therefore, only three accused named

above are arrayed as accused in present case.

2. that as per statement of ASI Balram Singh as well as statements recorded by accused party, none of the accused have been declared proclaimed offender.

3. that on examination of statements of both, complainant party as well as accused party, the compromise effected between them appears to be bonafide, voluntary, genuine, lawful and without any kind of pressure, undue influence, coercion and fear from any side.

4. that as per the Statement of ASI Balram Singh Belt No.926/R P.S. Nangal Distt. Rupnagar as well as statements recorded of accused party, no other case is registered against either of the party or none of the accused are arrayed in any other FIR.

5. that as per statement of ASI Balram Singh Belt No.926/R, Investigating Officer, in FIR No.89 dated 07.06.2018 for offences under Section 498-A, 406 of IPC, PS Nangal, Distt. Rupnagar, there is only one complainant/victim namely Jyoti Sharma.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 25.07.2015 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled in terms of compromise contained at 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 the Hindu Marriage Act in terms of the judgment and decree dated 10.02.2020 (Annexure P-4) passed by the Court of learned Additional Civil Judge (Sr. Division), Nangal, District Rupnagar (exercising the powers of District Judge). Respondent No.2 has withdrawn the petitions under Section 125 Cr.P.C. and 128 Cr.P.C. 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 she 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. 0089 dated 07.06.2018 under Sections 406 and 498-A IPC registered at Police Station Nangal, District Rupnagar and all the subsequent 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.

19.09.2022
smriti

(VIVEK PURI)
JUDGE

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