

263 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40406-2022
Date of Decision: 10.11.2022

VARDAN GIRI

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Monika Jangra, Advocate for the petitioner.
Mr. Karan Garg, AAG Haryana.
Mr. Raman Kumar, Advocate for
Mr. Rahul Kumar Adia, Advocate 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. 133 dated 21.10.2021 under Sections 498-A/406 IPC registered at Police Station Naya Gaon, District Kharar, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 05.09.2022, 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 05.09.2022, learned Judicial Magistrate 1st Class, Kharar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. There is one person arraigned as accused
in FIR.

2. No accused has been declared proclaimed offender.

3. From statement of above persons, ex-facie, it transpire that the compromise is genuine, voluntary and out of free will of the parties qua complainant and accused.

4. The accused person is not involved in any other case,

5. There is only one victim/complainant in the FIR. ”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 28.02.2020 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 22.08.2022 (Annexure P-2). The marriage of petitioner 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 31.10.2022 passed by the learned Family Court, Panchkula. The claim of respondent No.2 for permanent alimony and *istridhan* has been settled. The marriage of the sister of the petitioner was solemnized with brother of respondent No.2 and the matrimonial dispute had also cropped up between them. Even their marriage has been dissolved by a decree of divorce by mutual consent. The FIR has also been lodged at the instance of the sister of the petitioner and in terms of amicable settlement, a petition for quashing the FIR has also been instituted in this Court. 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. 133 dated 21.10.2021 under Sections 498-A/406 IPC registered at Police Station Naya Gaon, District Kharar, Punjab and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

10.11.2022

Janki

(VIVEK PURI)
JUDGE

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