

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

286

**CRM-M-41096 of 2022
Date of decision: 14.12.2022**

Gaurav Kapoor and Ors.

..Petitioners

Vs.

State of Punjab and Another

..Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.A. Sheoran, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

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

VIVEK PURI, J.(ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.30 dated 03.04.2022, registered under Sections 498A/406 IPC at Police Station Satnampura, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-1).

On 08.09.2022, 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 08.09.2022, learned Judicial

Magistrate Ist Class, Phagwara has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ The statements have been got recorded by the parties voluntarily and without any pressure from any quarter and the compromise so effected is genuine, voluntary and without any coercion or threat. All the accused are party to the compromise. None of the accused have ever been declared proclaimed offender. There is no other criminal case pending against the accused petitioners.”

Learned counsel for the petitioners contend that marriage of petitioner No.1 was solemnized with respondent No.2 on 21.10.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of settlement/compromise, Annexure P-2 effected in the Mediation and Conciliation Centre of this Court. The petitioner No.1 and respondent No.2 has instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent wherein the statements of the parties at the stage of first motion has been recorded. The petitioner No.1 shall pay a sum of Rs.15 Lacs to respondent No.2 in terms of the compromise. A sum of Rs. 7 lacs have already been paid and balance amount of Rs. 8 lacs shall be paid when the statements of the parties is recorded at the stage of second motion. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged the fact of compromise 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-1). 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.30 dated 03.04.2022, registered under Sections 498A/406 IPC at Police Station Satnampura, District Kapurthala and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

December 14, 2022
Poonam Sharma

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No