

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

**CRM-M-37005-2019
Date of Decision: 08.08.2022**

**DALJIT SINGH ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.K.Khunger, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. O.P.Kamboj, 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. 95 dated 16.05.2018 under Sections 406/498-A IPC registered at Police Station City Kapurthala, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 03.09.2019, 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 03.09.2019, learned Chief Judicial Magistrate, Kapurthala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“So in this way, on the basis of the statements made by both the parties it has become crystal clear that:

- a) One person arrayed as accused in FIR.
- b) No accused has been declared proclaimed offender in the said case.
- c) No proceeding pertaining to present FIR are pending.
- d) The compromise is genuine, voluntary and without any coercion or undue influence.
- e) Fine has been paid by the petitioner & receipt was produced in this Court. ”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled in terms of Settlement/Agreement, Annexure P-2 effected in Mediation and Conciliation Center of this Court. The marriage of the petitioner and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act passed by the Family Court at Kapurthala. A sum of Rs. 6,50,000/- has been paid on account of permanent alimony to respondent No.2. The respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. No other case is pending between the parties.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. 95 dated 16.05.2018 under Sections 406/498-A IPC registered at Police Station City Kapurthala, District Kapurthala and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

08.08.2022

Janki

(VIVEK PURI)
JUDGE

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