

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

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**CRM-M-44046 of 2022
Date of decision: 14.12.2022**

Rohan Kumar and Anr.

..Petitioners

Vs.

State of Punjab and Another

..Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Veneet Sharma, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Sandeep Sharma, Advocate for respondent No.2.

VIVEK PURI, J.(ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.28 dated 19.06.2022, under Sections 498-A and 406 IPC registered at Police Station Women Cell, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise dated 25.08.2022 (Annexure P-2).

On 23.09.2022, 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 23.09.2022, learned Judicial

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

“Statement of the complainant namely Chandani has also recorded wherein she stated that compromise has been effected with the accused namely Rohan Kumar and Sonu voluntarily and without any misrepresentation, threat, coercion or duress.

Statement of investigating officer ASI/IO Inderjeet Singh-352 ASR (C), presently posted at PS Women-1, Amritsar has also been recorded to the effect that,

- (a) FIR was registered by Chandani complainant against the accused against accused Rohan Kumar and Sonu. He further stated that there are two accused person are involved in present FIR.
- (b) No person has been declared as proclaimed person in the present FIR.
- (c) Except present FIR, the parties are not involved in any other Criminal case”.

Learned counsel for the petitioners contends that the marriage of petitioner No.1 was solemnized with respondent No.2 on 27.02.2021 and no child has been born from this wedlock. Although, there were allegations levelled against the mother in-law of respondent No.2 in the complaint but the FIR has been registered against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 25.08.2022 (Annexure P-2). Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for

dissolution of marriage by mutual consent (Annexure P-3), in the Family Court, Amritsar, wherein the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.3,00,000/- on account of permanent alimony to respondent No.2. A sum of Rs. Rs.1,50,000/- has already been paid to respondent No.2 and the balance amount of Rs.1,50,000/- shall be paid when the statements of the parties are 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.28 dated 19.06.2022, under Sections 498-A and 406 IPC registered at Police Station Women Cell, District Amritsar 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