

KARTIK SHARMA AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.D.Sharma, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Gurminder Singh Phull, Advocate for
Ms. Ramneet Kaur Nijjar, Advocate for respondent No.3.

VIVEK PURI,J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.120 dated 16.06.2021, under Sections 498-A IPC, 1860, registered at Police Station City Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 28.02.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 28.02.2022, learned Chief Judicial Magistrate, Hoshiarpur has recorded the statements of the parties and submitted her report, the relevant para whereof reads as under:-

Investigating Officer HC Deepak Kumar No. 524 HPR, PS City, Hoshiarpur in the present FIR, there are only two persons namely Kartik Sharma and Sadhna Sharma have been arrayed as accused.

2. *That as per the statement of Investigating Officer HC Deepak Kumar No. 524 HPR, PS City, Hoshiarpur, no accused is Proclaimed Offender in the present case.*

3. *That in view of the above statements of the complainant and the accused, I am of the opinion that the compromise is genuine, voluntary and without any coercion or undue influence.*

4. *That as per the statement of Investigating Officer HC Deepak Kumar No. 524 HPR, PS City, Hoshiarpur, no other FIR is pending against both the accused at PS City Hoshiarpur.*

5. *That as per statements suffered by the HC Deepak Kumar No. 524 HPR, PS City, Hoshiarpur in the present FIR, there is only one victim/complainant namely Aarzoo Mishra.”*

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties. 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 Hindu Marriage Act in terms of judgment and decree dated 11.01.2022 passed by the Court of Principal Judge, Family Court, Hoshiarpur. A sum of Rs. 4,50,000/- has been paid on account of permanent alimony to respondent No.2. No other case is pending between the parties.

Learned counsel appearing on behalf of respondent No.2 states that he has no objection if FIR is quashed.

After hearing the 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. 120 dated 16.06.2021, under Sections 498-A IPC, 1860, registered at Police Station City Hoshiarpur and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

24.05.2022
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(VIVEK PURI)
JUDGE

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