

251 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52416-2021
Date of Decision: 31.03.2022

VIKRANT SINGH PARIHAR AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gurmeet Singh, Advocate for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

Mr. Arjun Singh, Advocate for respondent No.4.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 150 dated 05.10.2017 under Sections 498-A and 406 IPC registered at Police Station Mukerian, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 15.12.2021 notice of motion was issued and 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 15.12.2021, learned Judicial Magistrate First Class, Mukerian has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“1. It is respectfully submitted that in view of the statements got recorded by both the parties and the Investigating Officer, the number of persons arrayed as accused in the present FIR are Vikrant Singh Parihar and

Sunita Parihar.

2. It is further respectfully submitted that in view of the statements got recorded by both the parties and the Investigating Officer, no accused person in the present FIR has been declared as Proclaimed Offender.

3. It is respectfully submitted that in view of the statements got recorded by both the parties and the Investigating Officer, this court is satisfied that the compromise effected between them seems to be genuine one, which is not the result of any pressure, coercion or undue influence.

4. It is respectfully submitted that as per the statements of Investigating Officer, except the present FIR one another FIR No. 100 dated 22.06.2015, under Sections 323, 324, 506 IPC had been registered against the accused Vikrant Singh Parihar at Police Station Mukerian. However, accused Sunita Parihar is not involved in any other case.

5. It is respectfully submitted that as per the statements of parties and Investigating Officer, Mridula Rana is the only victim/complainant in the present FIR.”

Learned counsel for the petitioners contend that respondent No. 4 has already secured an exparte decree of divorce in terms of the judgment and decree dated 28.02.2018 and subsequently, performed re-marriage on 06.07.2019. A sum of Rs. 6,00,000/- has already been paid to her by petitioner No.1 on account of permanent alimony.

Learned counsel for respondent No.4 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. 150 dated 05.10.2017 under Sections 498-A and 406 IPC registered at Police Station Mukerian, District Hoshiarpur and all the consequential proceedings arising therefrom are quashed qua the petitioners.

31.03.2022

Janki

(VIVEK PURI)
JUDGE

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