

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

**CRM-M-53189-2021
Date of Decision: 12.12.2022**

SUNNY PURI AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Govind Rana, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Karanvir Hooda, 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.26 dated 04.02.2019, under Sections 406/498-A IPC, registered at Women Police Station, Police Commissionerate District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 20.12.2021 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 20.12.2021, learned Judicial Magistrate First Class, Ludhiana has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“It is respectfully submitted that as per the statement of Investigating Officer and report of the concerned Ahlmad, there are three accused arrayed in the FIR. There is only one complainant/victim namely Sugandhi Puri @ Sugandhi Batta. The accused and complainant have appeared in the court to get recorded their statements regarding compromise. Accused have not declared as Proclaimed Offender nor they are involved in any other criminal case.

2. So, from the statements of the parties, it appears to the court that the parties have compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.”

Learned counsel for the petitioners contend that though the allegations were levelled against the petitioners and three other relatives but the FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 09.03.2012 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). 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/decreed dated 30.05.2022 passed by the learned Family Court, Ludhiana. A sum of Rs. 20 Lakhs has been paid to respondent No.2 on account of permanent alimony. The custody of the minor daughter shall remain with respondent No.2. 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. 26 dated 04.02.2019, under Sections 406/498-A IPC, registered at Women Police Station, Police Commissionerate District Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

12.12.2022

Janki

(VIVEK PURI)
JUDGE

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