

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-175-2022

Date of Decision: 19.04.2022

ROHIT JAIN AND ANOTHER
VS.

... PETITIONERS

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Akhil Kashyap, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Anish Verma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.333 dated 19.12.2020 under Sections 498-A, 406, 506 and 34 IPC registered at Police Station Malout, District Shri Muktsar Sahib and all the subsequent proceedings arising therefrom on the basis of compromise.

On 07.01.2022, the parties were directed to get their statements recorded before the learned Trial Court/Illaqa Magistrate.

In compliance of the order dated 07.01.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate Malout, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“ From the aforesaid statements of the concerned parties, it appears that :-

(1) Only two persons are arrayed as accused in the FIR.

(2) None of accused is declared proclaimed offender.

- (3) *The parties have voluntarily, without any pressure or coercion or undue influence, and out of their free will and consent have entered into the compromise between themselves and have settled the matter amicably and the said compromise seems to be voluntary, genuine and true.*
- (4) *No other criminal case was registered against accused Rohit Jain son of Subhash Jain resident of H.No.B-4/392, Old City Parinja Street, Near Kali Mata Mandir, Kotkapura, Faridkot and Pushpa Jain wife of Subhash Jain resident of H.No.277, Ward No.12, Parinja Street Old City, Near Kali Mata Mandir, Kotkapura, Faridkot.*
- (5) *As per police record there was only one victim/complainant in this case namely Sheenu D/o Rajpal Girdhar resident of H.No.345, Street-2, Ward No.2, Muktsar.”*

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled in terms of compromise contained at Annexure P-2. The marriage between petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of judgment and decree dated 07.01.2022 passed by Family Court, Faridkot.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has stated that he has no objection if the 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. 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.333 dated 19.12.2020 under Sections 498-A, 406, 506 and 34 IPC registered at Police Station Malout, District Shri Muktsar Sahib and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

19.04.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No