

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

280-A

CRM-M-593-2023 (O&M)
Date of decision: 11.10.2023

SACHIN MONGA

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sandeep Arora, Advocate for the petitioner.

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

Ms. Komalpreet Kaur, Advocate for respondent No.2.

VIVEK PURI. J.(Oral)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 06 dated 12.01.2019 under Sections 406 and 498-A IPC registered at Police Station Women Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 08.02.2023, 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.
3. In compliance of the order dated 08.02.2023, learned Judicial Magistrate First Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“As per record the name of the complainant of the present case is Rivya and except her there is no other complainant in this FIR. The name of the accused person is

Sachin Monga. Except him, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar. At present, the case is pending for evidence of the prosecution.

Both parties have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

4. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and his parents but FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 11.09.2010 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 15.12.2022 (Annexure P-2). The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage for dissolution of marriage by mutual consent, in terms of the judgment and decree dated 14.02.2022 passed by the learned Family Court Jalandhar. The petitioner has paid a sum of Rs.6,00,000/- on account of permanent alimony to respondent No.2. Another case bearing FIR No.99 dated 20.07.2019, under Sections 177 IPC and 12(1) (b) of Passport Act registered at Police Station Navi Baradari, Jalandhar has been cancelled. A separate petition for quashing of FIR No.215 dated 30.11.2018, under Sections 451, 323, 427 and 506 IPC registered at Police Station Division No.7, Jalandhar on the basis of compromise is pending in this Court. No other case is pending between the parties.

6. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

7. 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 is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

8. 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.

9. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

10. Accordingly, the present petition is allowed and FIR No. 06 dated 12.01.2019 under Sections 406 and 498-A IPC registered at Police Station Women Jalandhar and all the consequential proceedings arising therefrom are quashed qua the petitioner.

(VIVEK PURI)
JUDGE

11.10.2023

Amandeep

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No