

286 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5281-2023 (O&M)

Date of Decision: 06.07.2023

AMIT KUMAR

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gagan Bajaj, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Navjot Singh, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 98 dated 01.07.2022 registered under Section 498-A IPC at Police Station Mukerian Tehsil Mukerian, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 02.02.2023, 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 02.02.2023, learned Sub Divisional Judicial Magistrate, Mukerian has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1) It is submitted that as per the statement of investigating officer, in the instant FIR, there is only one accused who is accused/petitioner Amit Kumar, son of Om Parkash, r/o 183, Sector 5, R.K.Puram, South West (Delhi), presently r/o 77-B, Block A-5/B, Janakpuri, Delhi. As per Statement of IO, the said accused never declared as proclaimed offender/proclaimed person in this case and no such proceedings ever initiated or pending against him.

2) In view of the statements recorded of the parties, the undersigned is of the view that compromise between the accused/petitioner and complainant/respondent is genuine, voluntarily and without any coercion or pressure.

3) It is submitted that as per the statement of investigating officer, no other FIR has been registered against accused/petitioner at PS Mukerian. Further, as per accused/petitioner he is not involved in any other.

4) It is submitted that the case is at the stage of investigation and Challan has not been presented by the police till today.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 09.03.2015 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Centre of this Court and Annexure P-2 is the Settlement Agreement. The marriage of the petitioner 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 the judgment and decree dated 20.04.2023 passed by the learned Family Court, Hoshiarpur (Camp at Mukerian). The custody of the minor child shall remain with respondent No.2 and the petitioner will have visitation rights as per the terms and conditions of the Settlement. A sum of Rs. 10 Lakhs has also been paid for the minor son. The parties have withdrawn other respective cases instituted by them. Nothing is due to respondent No. 2.

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

6. 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-3). 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.

7. The controversy in the instant case does not indicate that the same involves heinous or serious offenses 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.

8. 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***.

9. Accordingly, the present petition is allowed and FIR No. 98 dated 01.07.2022 registered under Section 498-A IPC at Police Station Mukerian Tehsil Mukerian, District Hoshiarpur and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

06.07.2023

Janki

(VIVEK PURI)
JUDGE

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