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

CRM-M-8993-2023

Date of Decision: 03.07.2023

PARAS SHARMA**... PETITIONER****V/S****STATE OF PUNJAB AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Varshit Garg, Advocate for
Mr. Aayush Gupta, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Rishab Garg, Advocate for
Mr. Davinder 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. 68 dated 04.09.2018 registered under Sections 406, 498-A of the Indian Penal Code at Police Station Women, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. On 21.02.2023, 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 21.02.2023, learned Judicial Magistrate First Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1. As per statement of Investigating Officer,

except accused Paras Sharma, there is no other accused in the present FIR.

2. As per statement of Investigating Officer, apart from complainant Heena, there is no other respondent/victim or aggrieved party in the present case.

3. As per statement of Investigating Officer, accused person namely Paras Sharma has not been declared as proclaimed offender in any case nor any proceeding is pending against him as per record available with him.

4. As per statement of Investigating Officer, complainant Heena is not declared proclaimed offender at any stage of the case as per record available with him.

From the statement of the parties recorded before the court regarding compromise, it appears to the court that the compromise appears to be genuine, voluntary and without any coercion or undue influence.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 05.02.2013 and a son has been born from the wedlock. Though the allegations were levelled against the petitioner and other family members in the complaint but the FIR has been registered only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act in the learned Family Court, Ludhiana wherein the statements of the parties at the stage of first motion have been recorded. The petitioner has paid a sum of Rs. 5,00,000/- to respondent No.2 on account of permanent alimony. She has received all her articles of Istridhan and nothing is due payable to her by the petitioner. The custody of the minor son shall remain with respondent No.2. No other case is pending between the parties.

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-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.

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. 68 dated 04.09.2018 registered under Sections 406, 498-A of the Indian Penal Code at Police Station Women, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

03.07.2023

Janki

(VIVEK PURI)
JUDGE

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