

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

CRM-M-8350-2023 (O&M)

Date of decision: 25.09.2023

SUMIT AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.P.Soi, Advocate for the petitioners.
 Mr. Hittan Nehra, Addl. AG, Punjab.
 Mr. Sandeep K. Bansal, Advocate for
 Ms. Manpreet, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.114 dated 23.07.2022 under Sections 498-A/406 IPC, registered at Police Station Bullowal, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 16.02.2023, parties were directed to appear before the Illaqa Magistrate/Duty Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 16.02.2023, learned Judicial Magistrate 1st Class, Hoshiarpur has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Sir, in compliance with the order passed in CRM-M-8350-2023, Complainant Shahnaz @ Sahnaz well as accused Sumit and Shakin Rani @ Sheena Kaur, appeared in the Court and all of them got recorded their individuals statements with regard to compromise effected between them. ASI Kashmiri Lal, Investigating Officer, appeared

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on behalf of State and got recorded his separate statement. On the basis of the statements suffered by the parties in the Court, it appears that the compromise between Complainant Shahnaz @ Sahnaz well as accused Sumit and Shakin Rani @ Sheena Kaur, is genuine, voluntary without any threat or coercion. The above said FIR was registered against two accused Sumit and Shakina Rani @ Shokeen. Neither the above said accused have been declared as proclaimed offender(s), nor any P.O proceedings are pending against them. As per statement of Investigating Officer, the above said accused person are not involved in any other FIR. It is submitted that no trial is pending before the Court.”

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners and other family members but FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 28.12.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 10.02.2023 (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 and decree dated 15.09.2023 passed by the learned Family Court, Hoshiarpur. A sum of Rs.1,50,000/- has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else is due payable to her by the petitioners. No other case is pending between the parties.

7. A copy of judgment and decree dated 15.09.2023 vide which the marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce under Section 13-B of Hindu Marriage Act has been placed on record.

8. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

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.

10. 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.

11. 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*.

12. 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.114 dated 23.07.2022 under Sections 498-A/406 IPC, registered at Police Station Bullowal, District Hoshiarpur and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

25.09.2023

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(VIVEK PURI)
JUDGE

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