

271 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13932-2023 (O&M)

Date of decision: 17.11.2023

MUKESH KUMAR AND ORS

...PETITIONERS

VERSUS

U.T. CHANDIGARH AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anil Saini, Advocate and
Mr. Himanshu Chhabra, for the petitioners.

Mr. Deepinder Brar, Addl. PP UT Chandigarh.

Mr. Naresh Gopal Sharma, 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. 23 dated 17.04.2021 under Sections 406 and 498-A IPC, registered at Women Police Station, Chandigarh, and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 29.08.2023, parties were directed to appear before the Trial Court/Illaq 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 29.08.2023, learned Judicial Magistrate 1st Class, Chandigarh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Thereafter, ASI Ravinder Singh, Belt no. 2567/CP, appeared and got recorded his statement that only three accused namely Mukesh Kumar, Ramesh Kumar and Santosh Rani all residents of House No. 36, Kartar colony, P.O. Sidhuwal, Abluwal, Patiala, Punjab have been arrayed in present FIR. There is only one complainant/victim namely Sushma D/o Anil Kumar in the present case FIR. There is no P.O. proceedings initiated or pending against the abovementioned accused. Accused Mukesh, Ramesh and Santosh are on anticipatory bail. As per their record, no other trial/proceeding is pending against aforesaid accused in Women Police Station, Sector-17, Chandigarh.

5. Since the matter has been compromised by the complainant with the accused without any pressure, coercion or threat from any side, who has no objection with regard to quashing of FIR on the basis of compromise, therefore, compromise is complete, genuine, valid and good in the eyes of law”.

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners and Bhawna, the sister of the petitioner No.1, who has been found to be innocent during enquiry and FIR was registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 20.01.2016 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise 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 19.09.2023 passed by the Court of Ld. Additional District Judge Chandigarh. The petitioner No.1 has paid a sum of Rs.6,50,000/- to respondent No.2 on account of permanent alimony. The respondent No.2 has received all

The custody of the minor daughter shall remain with respondent No.2. No other case is pending between the parties.

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

7. After hearing the 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.

8. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute of the co-villagers 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***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

10. 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. 23 dated 17.04.2021 under Sections 406 and 498-A IPC, registered at Women Police Station, Chandigarh, and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

17.11.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No