

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14474-2023
Date of Decision: 16.08.2023

RAVI KUMAR ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Navkesh Singh Goraya, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Vikas Kumar Gupta, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.55 dated 18.02.2019 under Section 498-A IPC, registered at Police Station Women Cell, Ludhiana on the basis of compromise.
2. On 22.03.2023, the parties were directed to get their statements recorded before the learned Illaqa/Duty Magistrate.
3. In compliance of the order dated 22.03.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ludhiana, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Accordingly, the statements of accused/petitioner namely Ravi Kumar aged about 38 years son of Raj Kumar R/O House No.2237, Street No.5/4, Ward No.69, Adarsh Nagar, Samrala Chowk, Millerganj, Ludhiana and complainant/respondent No.2 Jyoti Rani wife of Ravi Kumar R/O House No.2237, Street No.5/4, Ward No.69, Adarsh Nagar, Samrala Chowk, Millerganj, Ludhiana, have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties produced the self attested copies of their Aadhar Cards as proof of their identity.

It is respectfully submitted that as per the statement of ASI Harmesh Lal and report of the concerned Ahlmad, besides the accused/petitioner mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.

So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure or coercion or fear.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 12.10.2011 and two children were born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The petitioner and respondent No.2 have resumed cohabitation. Respondent No.2 alongwith both the minor children is happily residing in the matrimonial house with the petitioner and no other case is pending between the parties.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. 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.

7. 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.

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. 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.55 dated 18.02.2019 under Section 498-A IPC registered at Police Station Women Cell, Ludhiana on the basis of compromise is ordered to be quashed, however, qua the petitioner only.

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

16.08.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No