

CRM-M-18293-2023
Date of Decision: 27.07.2023

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

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Prateek Rathee, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Ms. Praneet Kaur, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.95 dated 30.08.2022 under Section 498-A IPC, registered at Police Station-Phase XI, SAS Nagar Mohali on the basis of compromise.
2. On 17.04.2023, the parties were directed to get their statements recorded before the learned Illaqa/Duty Magistrate.
3. In compliance of the order dated 17.04.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, SAS Nagar Mohali, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Q1. Number of persons arrayed as accused in the FIR?”

A. The present FIR was registered against one accused person namely Arun Kumar S/o Vinod Kumar in the present case.

Q2. Whether any accused is declared proclaimed offender?

A. No, the accused in the present case has not been declared as proclaimed offender nor any such proceedings have been initiated and pending against him.

Q3. Whether the accused persons are involved in any other FIR/criminal case or not?

A. As per the police record, the accused person in the present case is not involved or arrayed as accused in any other FIR/criminal case.

Q4.How many victims/complainants are there in the FIR.

A. There is only one complainant/victim namely Anshu W/o Arun Kumar D/o Rampal Singh in the present FIR.

Q. What is the status of trial pending in the court?

A. In the present FIR case, no challan under Section 173 Cr.P.C has been presented before the court till date and the accused has not been arrested in the present case till date.

In view of the statements of the parties, I am satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence in the present FIR case.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 26.02.2009 and two daughters have been born from the wedlock. The matrimonial dispute has been amicably settled in the Mediation and Conciliation Centre of this Court and Annexure P-2 is the settlement agreement. The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, SAS Nagar (Mohali), wherein, statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs.10 lac to respondent No.2 on account of permanent alimony. A sum of Rs.7 lac has already been paid and the balance amount of Rs.3 lac shall be paid when the statements of the parties are recorded at the stage of second motion. Respondent No.2 have received all her articles of *istridhan* and nothing else is due payable to respondent No.2 by the petitioner. The custody of both the minor daughters shall remain with respondent No.2 and other cases pending between the parties have withdrawn.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she 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.95 dated 30.08.2022 under Section 498-A IPC, registered at Police Station-Phase XI, SAS Nagar Mohali is ordered to be quashed, however, qua the petitioner only.

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

27.07.2023
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(VIVEK PURI)
JUDGE

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