

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

**CRM-M-21967-2023
Date of decision: 16.12.2023**

SHARWAN KUMAR RAIGAR AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajaivir Singh, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Kashav Chadha, Advocate for
Mr. Ruhani Chadha, 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.16 dated 06.02.2021 under Sections 406/498-A IPC, registered at Women Police Station, Jalandhar City, District Police Commissionerate Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 08.08.2023, 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 08.08.2023, learned Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“ASI Rajesh Kumar No.1657/Jal posted at PS Women Cell,Jalandhar suffered statement that as per record the name of the complainant of the present case is Roohi Gandhi and except her there is no other complainant in this FIR. The name of the accused person are Sadanand Khatnawliya, Norati Devi Khatnawliya and Sharwan Kumar Raigar. Except them, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar.

The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the parties are duly identified by their counsels.

As per record the name of the complainant of the present case is Roohi Gandhi and except her there is no other complainant in this FIR. The name of the accused person is Sadanand Khatnawliya, Norati Devi Khatnawliya and Sharwan Kumar Raigar. Except them, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar. At present, the case is pending for evidence of the prosecution.

Both parties have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one. ”

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners and three other family members but the FIR has been registered only against the petitioners. The marriage of petitioner No.3 was solemnized with respondent No.2 on 08.12.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 27.04.2022 (Annexure P-4). The marriage

of petitioner No.3 and respondent No.2 has been dissolved by a decree of divorce

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by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 20.04.2023 passed by the learned Family Court, Jalandhar. A sum of Rs.23,50,000/- 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 due payable to her by the petitioners. 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 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***, approved 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,

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FIR No.16 dated 06.02.2021 under Sections 406/498-A IPC, registered at Women Police Station, Jalandhar City, District Police Commissionerate Jalandhar 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.

16.12.2023
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(VIVEK PURI)
JUDGE

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