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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26382-2023

Date of Decision: 31.10.2023

PANKAJ KUMAR

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Sidhu, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Karan Choudhary, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No.103 dated 14.06.2022, under Section 498-A IPC registered at Police Station Dinanagar, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 27.07.2023, the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.

3. In compliance of the order dated 27.07.2023, learned Judicial Magistrate First Class, Gurdaspur has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“i. As per statement of Investigating officer there is one accused in this FIR.

ii. As per statement of Investigating officer none of the accused is proclaimed offender.

iii. As per statement of parties this court is satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion or

undue influence.

iv. As per statement of Investigating officer accused is not involved in any other case.

v. As per statement of parties there is only one victim/complainant in this FIR.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 05.12.2020 but no child has been born from the wedlock. Initially, the allegations were levelled against the petitioner and three other family members who were found to be innocent and FIR has been registered only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 03.05.2023 (Annexure P-2). The marriage of the petitioner 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 the judgment and decree dated 09.08.2023 passed by the learned Family Court, Gurdaspur. The petitioner has paid a sum of Rs.7,50,000/- on account of permanent alimony to respondent No.2. Respondent No.2 has received all her articles of *Istridhan* and nothing else due payable to her by the petitioner. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 is 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***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

9. Accordingly, the present petition is allowed and FIR No. 103 dated 14.06.2022, under Section 498-A IPC registered at Police Station Dinanagar, District Gurdaspur and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

31.10.2023

Janki

(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No