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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.28260 of 2023(O&M)

Date of Decision: 18.10.2023

Vikram Sharma @ Bikram and Others

..... Petitioners

V/s.

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sourabh Bindra, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Saurabh, Advocate for respondent No.2.

Vivek Puri, J. (Oral)

1. The petitioners are seeking to quash the FIR bearing No.247 dated 29.11.2021 under Sections 498-A, 406 IPC registered at Police Station City Nawanshaher, District SBS Nagar and all the other subsequent proceedings arising therefrom on the basis of compromise.

2. On 01.06.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 01.06.2023, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, SBS Nagar, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(a) that on the basis of statements suffered before this Court by the parties, this Court is of the considered view that the compromise entered between the parties i.e. the complainant Komal Sharma and accused Vikram Sharma @ Bikram, Pardeep Kumar Sharma, Poonam @ Mansa and Sunil Sharma is genuine, voluntary and without any coercion or undue influence. The compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties;

(b) that as per the FIR/ police report, four persons namely Vikram Sharma @ Bikram, Pardeep Kumar Sharma, Poonam @ Mansa and Sunil Sharma are nominated as accused;

(c)that as per the statements of the parties, all the accused/ victims have entered into compromise;

(d) the compromise has been entered into between the parties and the matter has been fully settled;

(e) that the case is at the stage of recording statements of prosecution witnesses;

(f) that all the accused/ petitioners are appearing before the Court and they all are on bail;

(g) that as per the statement of the first informant Komal Sharma, no other proceedings are pending against the accused.

(h) that Vikram Sharma @ Bikram (petitioner no.1) is the husband of complainant; Pardeep Kumar (petitioner no.2) is the father-in-law of the complainant; Poonam@ Mansa is the mother-in-law of the complainant and Sunil Kumar is the brother-in-law of the complainant. No injury was suffered by the complainant, as per statement suffered by her. ”

4. Learned counsel for the petitioner contends that the marriage of petitioner No.1 was solemnized with respondent No.2 on 21.04.2015 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2). The petitioners and respondent No.2 have resumed co-habitation. The respondent No.2 alongwith her minor son are residing happily in the matrimonial house of petitioner No.1. 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**, approved 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 bearing No.247 dated 29.11.2021 under Sections 498-A, 406 IPC registered at Police Station City Nawanshaher, District SBS Nagar and all the other subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

18th October, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

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