

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

CRM-M-30304-2023

Date of decision: 22.11.2023

ARVIND KOMAL AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Ashish Gupta, 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.23 dated 24.02.2018 under Sections 406/498-A IPC, registered at Police Station Dharamkot, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 17.08.2023, 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 17.08.2023, learned Judicial Magistrate 1st Class, Moga has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1) That in the present FIR, only one accused, namely Arvind Komal has been arrayed as accused, but lateron, after allowing the application U/s 319 of Cr.P.C. by the complainant in the Court, accused Rajinder Kumar was summoned as accused to face trial in the case by the Court, 2) That none of the accused persons is

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Proclaimed Offender in this case,

3) From the statement of complainant Rajni Bala wife of Arvind Komal and daughter of Ram Kumar, resident of Village Fatehgarh Korotana, District Moga, as recorded in the Court on 12.09.2023, it appears that she has genuinely and voluntarily compromised the matter with the accused persons and the compromise arrived-at between the parties is not the result of any fraud or misrepresentation and appears to be out of their free will and discretion.

4) That as per information provided by the Investigating Officer, accused persons are not involved in any other case, 5) That per information provided, there is only one as victim/complainant in the present case.”

5. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 20.01.2016 and a daughter has been born from the wedlock. Initially, the challan was presented against petitioner No.1 and petitioner No.2 has been summoned by the learned trial Court under Section 319 Cr.P.C. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 26.05.2023 (Annexure P-3). Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent, wherein the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.6,50,000/- on account of permanent alimony to respondent No.2. A sum of Rs.3,50,000/- has already been paid and the balance amount of Rs. 3,00,000/- is to be paid at the time of recording the statements of the parties at the stage of second motion. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her. The custody of minor child shall remain with petitioner No.1. No other case is pending between the parties.

6. Learned counsel for respondent No.2 states that he has no objection if

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, FIR No.23 dated 24.02.2018 under Sections 406/498-A IPC, registered at Police Station Dharamkot, District Moga 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.

22.11.2023

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(VIVEK PURI)
JUDGE

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