

CRM-M-41509-2023
Date of decision: 24.11.2023

...PETITIONER

...RESPONDENTS

Renu Bala
2023.11.24 18:43
I attest to the accuracy and
integrity of this document

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-2-

accused has been declared as proclaimed offender in the present FIR at any point of time.

3. The compromise between the parties appears to be genuine, voluntary and without any coercion or undue influence.

4. As per the statement of IO, the accused person is not involved in any other FIR.

5. As per the statement of IO, there is only one complainant Komal Nanda and one accused Raghav Mehta in the present FIR".

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioner and his parents but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 26.11.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 24.03.2023 (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 judgment and decree dated 02.11.2023 passed by the learned Family Court, Ludhiana. A sum of Rs.10,00,000/- has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of Istri Dhan and nothing is due payable to her by the petitioner. Respondent No.2 has withdrawn the petitions under Section 125 Cr.P.C and Section 12 of Protection of Women from Domestic Violence Act. 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*, upheld 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.47 dated 23.11.2020 under Sections 406 and 498-A IPC, registered at Police Station Women, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

24.11.2023

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(VIVEK PURI)
JUDGE

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