

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

**CRM-M-44155-2023
Date of decision: 06.12.2023**

PARVEEN ALIAS PENNY BHATIA AND ANR. ...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vipin Kumar Sharma, Advocate for the petitioners.

Mr. Amish Sharma, AAG, Punjab.

Mr. Sunil Kumar Rohilla, Advocate for
Mr. B.R. Rana, 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.71 dated 01.07.2022 under Sections 406/498-A IPC, 1860 registered at Police Station Nurpur Bedi, District Rupnagar and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 04.09.2023, 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 04.09.2023, learned Judicial Magistrate 1st Class, Sri Anandpur Sahib has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. There are two persons arraigned as accused in the present FIR.

2. *None of the accused is proclaimed offender.*
3. *The compromise is genuine, voluntary and without any coercion or undue influence.*
4. *The accused persons are not involved in any other case.*
5. *There is only one complainant/victim in the present FIR as per the statement of Investigating Officer.”*

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners and other relatives but the FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 10.12.2020 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 21.08.2023 (Annexure P-2). 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 in the learned Family Court, Jalandhar wherein the statements of the parties at the stage of first motion have been recorded. The entire claim of respondent No.2 for permanent alimony and articles of *Istri Dhan* has been settled. Nothing is 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, FIR No.71 dated 01.07.2022 under Sections 406/498-A IPC, 1860 registered at Police Station Nurpur Bedi, District Rupnagar 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.

06.12.2023

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(VIVEK PURI)
JUDGE

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