

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49218-2022
Date of Decision: 27.07.2023

RAJINDER KUMAR DHALL ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Paras Talwar, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Sidharth Sehga, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.0012 dated 26.01.2018 under Section 498-A and Sections 354-D (2), 509 IPC and 67 of the I.T. Act (which were added later on) registered at Women Police Commissionerate, Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise.
2. On 21.10.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Trial Court.
3. In compliance of the order dated 21.10.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ludhiana has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. In the present case, FIR was lodged against the accused namely Rajinder Kumar Dhall son of Sushil Kumar Dhall on the statement of complainant namely Shikha Dhall.

2. From the statement of both the parties namely Accused (petitioner) Rajinder Kumar Dhall and Shikha Dhall (Complainant) recorded in writing, it appears to the court that the compromise appears to be genuine, voluntary and without any pressure, threat or coercion.

3. As per statement of Investigating Officer and as per record available with judicial file, accused person namely Rajinder Kumar Dhall has never been declared proclaimed offender at any stage of the case nor any proceedings are pending against him.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 04.02.2005 and a daughter 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 petitioner and respondent No.2 have resumed cohabitation. Respondent No.2 alongwith minor daughter is happily residing in the matrimonial house with the petitioner. Respondent No.2 has withdrawn the petitions under Section 125 Cr.P.C. and Section 12 of the Protection of Women from Domestic Violence Act. 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*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

09. 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.0012 dated 26.01.2018 under Section 498-A and Sections 354-D (2), 509 IPC and 67 of the I.T. Act (which were added later on) registered at Women Police Commissionerate, Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

27.07.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No