

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47741-2023
Date of Decision: 22.11.2023

SANT KUMAR ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Mohit, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Petitioner is seeking to quash the FIR No.1 dated 04.01.2020 under Sections 498-A/406 IPC registered at Women Police Station, District Bathinda and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 21.09.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 21.09.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Bathinda has sent the report and the relevant portion whereof is reproduced here-in-below:-

"1. It is respectfully submitted that there is one accused namely Sant Kumar arrayed as accused in the present FIR.

2. As per record no accused has been declared as proclaimed offender.

3. It is further submitted that in view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected

voluntarily, without any pressure, coercion with their free will from any quarter.

4. No other FIR is pending against the accused person.

5. Statement of investigating officer is recorded as per his statement there is one victim/complainant namely Neeru and there is one accused person namely Sant Kumar in the present FIR.”

4. Learned counsel for the petitioner contends that although the allegations were levelled against the petitioner and other family members but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 about 06 years prior to the registration of FIR and two sons have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 05.09.2023, Annexure P-2. The marriage of petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 16.10.2023 passed by the learned Family Court, Charkhi Dadri. A sum of Rs. 3 lac has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has also received all her articles of istridhan and nothing else is due payable to her by the petitioner. The custody of minor son shall remain with the petitioner.

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 No.1 dated 04.01.2020 under Sections 498-A/406 IPC registered at Women Police Station, District Bathinda and all the subsequent 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.

22.11.2023
smriti

(VIVEK PURI)
JUDGE

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