

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

CRM-M-53591-2022(O&M)

Date of Decision:20.07.2023

NAMDEV GOSWAMI @ GOURAV

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gurjant Singh, Advocate for
Mr. Varun Chhibba, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Amandeep Singh Sidhu, Advocate
for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 86 dated 21.09.2017 registered under Sections 406, 498-A IPC at Police Station Women Cell, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 15.03.2023, the parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and send its report regarding genuineness of the compromise.
3. In compliance of the order dated 15.03.2023, learned Judicial Magistrate First Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1) In the present case, as per record and statement of

Investigating officer, FIR was lodged against the accused namely Namdev Goswami and he has not been declared proclaimed offender nor any such proceedings are initiated nor any such proceedings are pending against him.

2) From the statement of both the parties namely Namdev Goswami-accused(petitioner) and Rama Verma(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, no other FIR or criminal proceedings are pending against accused Namdev Goswami, as per record available.

4) In the present case, case was pending for prosecution evidence before moving quashing petition.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 23.02.2006 and a son and a daughter have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise(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 the judgment and decree dated 24.02.2023 passed by the learned Family Court, Ludhiana. The petitioner has paid a sum of Rs.6 lakhs to the respondent No.2 on account of full and final settlement of her claim for permanent alimony. The respondent No.2 has received all her articles of Istridhan and nothing is due to her from the petitioner. Custody of both the minor children shall remain with respondent No.2. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is 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 offenses 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***.

9. Accordingly, the present petition is allowed and FIR No. 86 dated 21.09.2017 registered under Sections 406, 498-A IPC at Police Station Women Cell, District Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

(VIVEK PURI)
JUDGE

20.07.2023
P.Bhatt

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