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2023 : PHHC : 116044

261 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52258-2022
Date of Decision: 04.09.2023

SAGAR NAHAR AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Parunjeet Singh, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Ishan Kaushal, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 61 dated 13.12.2020 registered under Sections 406, 498-A of Indian Penal Code, at Police Station Women, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 19.04.2023, 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 19.04.2023, learned Judicial Magistrate First Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“It is respectfully submitted that as per the statement of Investigating Officer, ASI Sukhdev Singh and report of the concerned Ahlmad, apart from the petitioners arrayed in this petition, there is no other accused in the FIR. Apart from the respondent Samit Kaur @ Sana arrayed in the petition, there is no other complainant in the FIR. The parties are not involved in any other

criminal case. The parties are not declared as proclaimed offender.

So, from the statements of the parties, it appears to the court that the parties have compromised the matter out of their free will, voluntarily, without any sort of pressure or coercion or fear.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 12.12.2016 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise. The marriage of petitioner No.1 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 21.08.2023 passed by the learned Family Court, Ludhiana. A sum of Rs. 2,10,000/- has been paid to respondent No.2 on account of permanent alimony. She has received all her articles of *Istridhan* and nothing is due payable to her from the petitioners. The custody of the minor son 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. 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 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. Accordingly, the present petition is allowed and FIR No. 61 dated 13.12.2020 registered under Sections 406, 498-A of Indian Penal Code, at Police Station Women, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

04.09.2023

Janki

**(VIVEK PURI)
JUDGE**

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