

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

CRM-M-53683-2022

Date of Decision: 19.09.2023

ARUN KUMAR AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Som Nath Saini, Advocate for the petitioners.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Suram Singh Rana, Advocate for respondent No.2
* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 39 dated 17.07.2018 under Sections 406 and 498-A IPC (Section 201 IPC added later on) registered at Police Station Women, District Patiala, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise.

2. Status report by way of affidavit of Karnail Singh, Deputy Superintendent of Police, PBI/Crime against Women and Children, District Patiala, on behalf of the State has been taken on record.

3. On 10.01.2023, 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.

4. In compliance of the order dated 10.01.2023, learned Judicial Magistrate First Class, Patiala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1. The number of accused in the aforesaid FIR and

to report whether any of the accused has been declared proclaimed offender or any such proceedings have been initiated against them?

So, as to give opinion regarding number of persons arrayed as accused in the present FIR, this Court has recorded the statement of HC Mohinder Singh, No.1739/PTA, posted at P.S. Women, Patiala. As per his statement, in the present case as per the FIR No.39 dated 17.07.2018 under sections 406, 498A, 201 IPC, PS.Women, Patiala, Arun Kumar, Naveen Kumar and Chander Kalan have been arrayed as accused. It is further submitted that as per statement of Investigating officer, accused Arun Kumar, Naveen Kumar and Chander Kalan have not been declared as proclaimed offender in this case or in any other case. It is further submitted that no other criminal case against any of the aforesaid accused was pending as per his record.

2. Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Yes, the compromise arrived between the parties is genuine, voluntary and made out of free will of the parties.

Complainant Riya @ Rina daughter of Dharam Pal and accused Arun Kumar son of late Fakir Chand, Naveen Kumar son of late Fakir Chand and Chander Kala wife of Late Fakir Chand have suffered separate statements to the effect that they have compromised the matter with each other without their being any pressure, coercion or undue influence. As per the statement of complainant and joint statement of accused Arun Kumar, Naveen Kumar and Chander Kala, compromise is genuine one, voluntarily and without any coercion and complainant has no objection for quashing the FIR No.39 dated 17.07.2018 under sections 406, 498A and 201 IPC, Police Station Women, Patiala against accused Arun Kumar, Naveen Kumar and Chander Kala Residents of House No.B-21/204, Chhoti Baradari, near Income Tax Colony, Patiala. She further stated that she has no objection if the quashing petition filed by all the accused has been allowed and the proceedings of the FIR has been quashed.

From the statements of the parties, this Court is of the opinion that matter has been amicably settled between the petitioner/accused namely Arun Kumar, Naveen Kumar and Chander Kala and

complainant Riya (@ Rina. The said compromise is genuine, voluntary and is without any coercion or undue influence.

3. Statement of IO regarding involvement of petitioner (s) in any other FIR.

Yes, statement of investigating officer has been recorded regarding involvement of petitioners/accused Arun Kumar, Naveen Kumar and Chander Kala. No other criminal case/FIR is pending against the accused persons.

4. Status of the trial pending before this court?

Challan in the present FIR has been presented and case is at the stage of prosecution evidence.”

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners and other relatives but the FIR was registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 in February, 2016 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The petitioner No.1 and respondent No.2 have resumed cohabitation. Respondent No.2 along with the minor daughter is happily residing in the matrimonial home with petitioner No.1.

6. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

7. 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.

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. Accordingly, the present petition is allowed and FIR No. 39 dated 17.07.2018 under Sections 406 and 498-A IPC (Section 201 IPC added later on) registered at Police Station Women, District Patiala, Punjab and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

19.09.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No