

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

**CRM-M-47375-2019
Date of decision: 03.07.2023**

PARDEEP KUMAR AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajesh Gupta, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. D.S. Walia, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.156 dated 20.12.2018 under Sections 406/498-A IPC, registered at Police Station Women Cell, Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 23.08.2022, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 23.08.2022, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“It is respectfully submitted that as per the statement of

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Investigating Officer and report of the concerned Ahlmad, there are two accused arraigned in the FIR.

There is only one complainant/victim/injured namely Amandeep Kaur. The accused and complainant have appeared in the court to get recorded their statements in support of compromise. Accused have not (sic. neither been) declared as Proclaimed offender nor they are involved in any other criminal case.

The case is pending for prosecution evidence.

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

5. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 01.02.2013 and a son has been born from the wedlock. Although, the allegations were levelled against the other family members of the petitioners in the complaint but FIR has been registered and challan has been presented only against the petitioners. The dispute has been amicably settled between the parties in the Mediation and Conciliation Centre of this Court and Annexure P-2 is the settlement/agreement. 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 judgment and decree dated 05.03.2021 passed by the Court of learned Principle Judge (Family Court), Ludhiana. A sum of Rs.4,00,000/- has been paid on account of permanent alimony to respondent No.2. The custody of minor child shall remain with respondent No.2. The parties have withdrawn the other cases pending between them.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

7. After hearing the learned counsel for the parties and going through the

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.

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***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

10. 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.156 dated 20.12.2018 under Sections 406/498-A IPC, registered at Police Station Women Cell, Ludhiana and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

03.07.2023

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(VIVEK PURI)
JUDGE

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