

CRM-M-55363-2022 (O&M) - 1 -

2023 : PHHC : 119373

272

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55363-2022 (O&M)

Date of Decision: 12.09.2023

SANJIV KUMAR ALIAS SANJEEV KUMAR SAHNI AND OTHERS
... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gursimran Walia, Advocate for
Mr. D.S.Walia, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Ms. Monika Thakur, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 133 dated 24.10.2016, under Sections 406/498-A IPC, registered at Police Station Women Cell, District Ludhiana City and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 05.07.2023, 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 05.07.2023, 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 SI Sukhwinder Singh and report of the concerned Ahlmad, there are only three accused arraigned in the present FIR. The accused are not declared as

proclaimed offender and they are not involved in any other case. There is only one victim/complainant namely Sudha Rani.

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, coercion and fear. ”

4. 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. Initially, the allegations were levelled against the petitioners and four other family members in the complaint but FIR has been registered only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 22.09.2022 (Annexure P-2). 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 31.07.2023 passed by the learned Family Court, Ludhiana. A sum of Rs. 11 lakhs has been paid by petitioner No.1 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 minor child shall remain with respondent No.2. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C and Section 12 of Protection of Women from Domestic Violence Act. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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.133 dated 24.10.2016, under Sections 406/498-A IPC, registered at Police Station Women Cell, District Ludhiana City and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

12.09.2023

Janki

(VIVEK PURI)
JUDGE

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