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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56199-2022

Date of Decision: 26.07.2023

SANJEEV KUMAR AND OTHERS
V/S

... PETITIONERS

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Shehbaz Thind, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Ms. Surbhi Yadav, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 141 dated 23.07.2020 registered under Sections 406, 498-A of the Indian Penal Code at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. On 02.12.2022, 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 02.12.2022, learned Judicial Magistrate First Class, Fatehgarh Sahib has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“From their statements, it seems that the

compromise between the parties is voluntary and is not the result of any pressure or coercion in any manner. No other accused is proclaimed offender in this case. Monika Verma daughter of Tarsem Lal is complainant in this case and accused namely Sanjeev Kumar, Prem Nath and Kamla Rani are accused in this case. No accused is proclaimed offender in this case.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 11.05.2013 and two daughters have been born from the wedlock. Earlier the complaint was made against the petitioners and 2 other relatives but the FIR has been registered only against the petitioners. The matrimonial dispute has been amicably settled between the parties and Annexure P-2 is the affidavit of respondent No.2 in this regard. 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 13.08.2022 passed by the learned Family Court, Fatehgarh Sahib. A sum of Rs. 2,00,000/- has been paid to respondent No.2 on account of permanent alimony. She has received all her articles of Istridhan. The custody of both the minor children shall remain with petitioner No.1 and respondent No.2 will not claim their custody in future. 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 (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. 141 dated 23.07.2020 registered under Sections 406, 498-A of the Indian Penal Code at Police Station Fatehgarh Sahib, District Fatehgarh Sahib and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

26.07.2023

Janki

(VIVEK PURI)
JUDGE

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