

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

**CRM-M-56371-2022
Date of decision: 17.08.2023**

AMIT KOMAL

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naresh Chander, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Kripul Singh, Advocate for
Mr. Shiv Charan Bhola, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.017 dated 05.02.2020 under Sections 498-A/406 IPC, registered at Women Police Station, Jalandhar Punjab and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 05.12.2022, 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 05.12.2022, learned Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and

CRM-M-56371-2022

-2-

submitted the report, the relevant para whereof reads as under:-

“ASI Palwinder Singh No.3359/Jal posted at PS Women Cell, Jalandhar suffered statement that as per record the name of the complainant of the present case is Geeta Komal and except her there is no other complainant in this FIR. The name of the accused person is Amit Komal. Except him, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar.

The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the parties are duly identified by their counsels.

As per record the name of the complainant of the present case is Geeta Komal and except her there is no other complainant in the FIR. The name of the accused person is Amit Komal. Except him, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar. At present, the case is pending for evidence of the accused.

Both parties have compromised the matter. There is no grudge remain between parties. The compromise is voluntarily, without any pressure or coercion. This Court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

5. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 23.05.2019 and a son has

been born from the wedlock. The matrimonial dispute has been amicably settled

CRM-M-56371-2022

-3-

between the parties in terms of compromise dated 07.10.2022 (Annexure P-2). The marriage of the petitioner 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 22.03.2023 passed by the learned Family Court, Jalandhar. A sum of Rs.3,00,000/- has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has received all her articles of *Istri Dhan* and nothing is due payable to her by the petitioner. The custody of minor son shall remain with the petitioner. No other case is pending between the parties.

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 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 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***.

CRM-M-56371-2022

-4-

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.017 dated 05.02.2020 under Sections 498-A/406 IPC, registered at Women Police Station, Jalandhar Punjab and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

17.08.2023

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(VIVEK PURI)
JUDGE

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