

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59810-2022
Date of Decision: 27.07.2023

KAMAL CHAND AND ANR ... PETITIONERS
VS.
STATE OF PUNJAB AND ORS .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Manoj Pundir, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Jogendra Singh, Advocate for
Mr. Parshotam S. Kapoor, Advocate
for respondents No.2 and 3.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.31 dated 27.09.2018 under Sections 406 and 498-A IPC, registered at Police Station Patara, District Jalandhar Rural, Punjab and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 21.12.2022, the parties were directed to get their statements recorded before the learned Illaqa/Duty Magistrate.
3. In compliance of the order dated 21.12.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jalandhar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1) As per the statement of the complainant/respondents, accused/petitioners and Investigating Officer, total two accused persons namely Kamal Chand and Swarno Devi have been arrayed as accused in FIR No.31 dated 27.09.2018 under Sections 406/498-A of IPC at PS Patara, District Jalandhar and the accused

persons have not been declared proclaimed offenders nor any such proceedings have been initiated or pending against the accused persons.

2) As per statements of accused/petitioners, respondents/complainant and Investigating Officer, the compromise arrived at between the parties is genuine, voluntarily and without any coercion or undue influence. The identity of the respondents/complainant and petitioners/accused was also ensured and the copies of their Aadhar Cards are attached with their statements, respectively.

3) As per statements of Investigating officer, the accused persons are not involved in any other FIR.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1. was solemnized with respondent No.2 on 29.02.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise deed, Annexure P-2. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of judgment and decree dated 14.07.2023 passed by the learned Family Court, Jalandhar. The entire claim of respondent No.2 for permanent alimony and articles of *istridhan* have been settled and no other case is pending between the parties.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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 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*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

9. 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.31 dated 27.09.2018 under Sections 406 and 498-A IPC, registered at Police Station Patara, District Jalandhar Rural, Punjab and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

27.07.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No