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

CRM-M-59842-2022

Date of Decision: 24.08.2023

MAHESH**... PETITIONER****V/S****STATE OF PUNJAB AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. G.S.Verma, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. D.S.Nain, Advocate for
Mr. Amandeep Singh, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 77 dated 24.12.2020 registered under sections 406, 498-A & 506 IPC at Police Station Women, Patiala, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 22.12.2022, 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 22.12.2022, learned Judicial Magistrate First Class, Patiala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“The FIR of this case has been registered against only accused Mahesh and challan in this case has been presented in the Court against accused Mahesh. From the statements of the parties, it appears to the Court that the complainant Nancy Mittal and accused Mahesh effected compromise without any pressure, coercion and same has been done with the free consent of the parties and compromise is genuine, voluntary and without any coercion or

undue influence. No person has been declared proclaimed offender in this case. A case FIR No. 362 of 2021, under Section 323, 506 IPC has been registered against Nancy Mittal which is pending in the Court of JMIC, Patiala. As per the statement of accused he is not involved in any other case except this. ”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 09.10.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The petitioner has paid a sum of Rs. 7,00,000/- to respondent No.2 on account of permanent alimony. 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 the judgment and decree dated 18.07.2023 passed by the learned Family Court, Patiala. The other cases instituted by the petitioner and respondent No.2 have been withdrawn. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he 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 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. 77 dated 24.12.2020 registered under sections 406, 498-A & 506 IPC at Police Station Women, Patiala, District Patiala and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

24.08.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No