

287

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-60536-2022

Date of Decision: 31.10.2023

DEEPAK PUJARI

... PETITIONER

V/S

UT CHANDIGARH AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Himanshu Chhabra, Advocate for the petitioner.
Mr. Rajiv Viz, Addl. P.P. for U.T. Chandigarh.
Ms. Chandanpreet Kaur, Advocate for
Mr. Randeep Singh, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 139 dated 16.10.2019 under Sections 406 and 498-A IPC registered at Police Station Women Sector-17, Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 16.08.2023, 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 16.08.2023, learned Judicial Magistrate First Class, Chandigarh has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“4. Thereafter, ASI Mohinder Singh, Belt no. 3209, appeared and got recorded his statement that only one accused namely Deepak Pujari son of Late Sh. Kewala Nand Pujari has been arrayed in present case FIR. There is only one complainant/victim

namely Shobha Devi in the present case FIR. There is no P.O. proceedings initiated or pending against the abovementioned accused. Accused is on anticipatory bail. As per their record, no other trial proceeding is pending against aforesaid accused in Women Police Station, Sector-17, Chandigarh.

5. Since the matter has been compromised by the complainant with the accused without any pressure, coercion or threat from any side, who has no objection with regard to quashing of FIR on the basis of compromise, therefore, compromise is complete, genuine, valid and good in the eyes of law.”

4. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and his parents in the complaint submitted by respondent No.2 but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 25.02.2015 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Centre of this Court as per settlement agreement dated 16.09.2022 (Annexure P-2). The marriage of petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 17.04.2023 passed by the District Court, Chandigarh. The petitioner has paid a sum of Rs.9 lakhs to respondent No.2 on account of permanent alimony. The respondent No.2 has received all her articles of Istridhan and nothing is due payable to her by the petitioner. The petition under Section 125 Cr.P.C. has been withdrawn by respondent No.2 and 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. 139 dated 16.10.2019 under Sections 406 and 498-A IPC registered at Police Station Women Sector-17, Chandigarh and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

31.10.2023

Janki

(VIVEK PURI)
JUDGE

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