

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M- 6736 of 2020

Date of Decision: 18.09. 2020

Gurinderpal Singh Multani

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mandeep Singh Sachdev, Advocate
for the petitioner(s).

Mr. Dhruv Dyal, Deputy Advocate
General, Punjab for respondent No.1.

Mr. Pershant Sareen, Advocate
for respondent No.2.

Anil Kshetarpal, J.

The 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. 002 dated 26.01.2018, registered under Section 498-A IPC, at Police Station Women Cell, Police Commissionerate, Jalandhar and the consequential proceedings arising therefrom.

Notice of motion was issued.

In compliance of the order, passed by this Court, the parties got their statements recorded before the learned trial court. Consequently, a report sent by the Judicial Magistrate 1st Class, has been received which is available on record of the case along with the statements of the parties.

Learned Judicial Magistrate has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at

between the parties has been found to be a genuine one.

After hearing the learned counsel for the parties and going through 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 an out of the Court settlement by way of compromise (Annexure P2). 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.

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 the Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*,

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. 002 dated 26.01.2018, registered under Section 498-A IPC, at Police Station Women Cell, Police Commissionerate, Jalandhar and the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioner only.

Consequently, with the observations made above, the instant petition stands allowed.

(Anil Kshetarpal)
Judge

September 18, 2020
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No