

CRM-M-6323-2021

Date of decision: 30.11.2021

VARINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gagneshwar Walia, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

Mr. L.S. Lakhanpal, Advocate for
Mr. Gursharan Singh, Advocate
for respondent No.2. (through special power of attorney)

VIVEK PURI, J. (ORAL)

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. 14 dated 29.02.2020 under Section 498-A IPC, 1860, registered at Police Station Ghuman, District Gurdaspur, and all the consequential proceedings arising therefrom, on the basis of compromise dated 27.10.2020 (Annexure P-3).

On 30.09.2021, 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.

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.

In compliance of the order dated 30.09.2021, learned Judicial Magistrate 1st Class, Batala has recorded the statements of the parties and submitted its report dated 18.11.2021, the relevant para whereof reads as under:-

“It is humbly submitted that petitioner/accused No.1 Varinder Singh aged 31 years son of Manjit Singh, resident of Village Ghanie Ke Banger, Tehsil Batala, District Gurdaspur, presently residing at 61 Stokes Terrace, Port Augusta West, South Australia 5700 holder of Indian Passport No. R7837118 through his attorney Manjit Singh son Santokh Singh age 60 years, resident of Village and PO Ghaine Ke Bangar, Tehsil Batala, District Gurdaspur and complainant/ respondent No.2 Rashpinderjit Kaur aged 27 years Wife of Varinder Singh and daughter of Amarjit Singh, resident of Village Bohja, PO Bhoman, Tehsil Batala District Gurdaspur have appeared and made statements on 10.11.2021 regarding compromise. They were asked to show their identity cards and photocopies of the same were taken on record (Photocopies of identity cards and statements attached herewith).

It is further submitted that statement of Investigating officer ASI Sukhraj Singh No. 2027/Btl, presently posted at P.S., Ghoman has also been recorded (statement of Investigating Officer attached herewith).

It is further submitted that as per statement of ASI Sukhraj Singh No. 2027/Btl, presently posted as P.S. Ghoman, in FIR No. 14 dated 29.02.2020 under Section 498-A of IPC, P.S. Ghuman, Tehsil Batala, District Gurdaspur, there is only one person arraigned as accused namely Varinder Singh aged 31 years son of Manjit Singh, resident of Village Ghanie Ke Banger, Tehsil Batala, District Gurdaspur as per FIR. In this case accused person has not been declared as proclaimed offender. It is further averred that accused person is not involved in any other FIR. It is further submitted that in this FIR there is only one victim/complainant namely Rashpinderjit Kaur aged 27 years Wife of Varinder Singh and daughter of Amarjit Singh resident of Village Bohja, PO Bhoman, Tehsil Batala, District Gurdaspur.

It is submitted that from the statement of the parties, it appears that compromise is genuine and without any pressure, coercion and undue influence. It is further submitted that as per

version of IO, there is only one person arraigned as accused namely Varinder Singh aged 31 years son of Manjit Singh, resident of Village Ghanie Ke Banger, Tehsil Batala, District Gurdaspur as per FIR. In this case there is only one accused person and he has not been declared as proclaimed offender. It is further averred that accused person is not involved in any other FIR. It is further submitted that in this FIR there is only one victim/complainant namely Rashpinderjit Kaur aged 27 years Wife of Varinder Singh and daughter of Amarjit Singh, resident of Village Bohja, PO Bhoman, Tehsil Batala, District Gurdaspur.”

It has been stated that the matter has been amicably settled between the parties and a compromise has been effected between them. The parties have filed an application under Section 13-B of Hindu Marriage Act, 1955 for dissolution of marriage by mutual consent, wherein the statements of the parties at the stage of first motion have already been recorded.

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 27.10.2020 (Annexure P-3). 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 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. 14 dated 29.02.2020 under Section 498-A IPC, 1860, registered at Police Station Ghuman, District Gurdaspur and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

30.11.2021
renubala

(VIVEK PURI)
JUDGE

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