

JASPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sachin Jain, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Jatinder Pal Singh, Advocate
for respondent No.2.

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. 01 dated 05.01.2016 under Sections 498-A IPC, 1860, registered at Police Station Women Police Station, District Police Commissionerate, Amritsar, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 29.10.2021, 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 29.10.2021, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted its report dated 01.12.2021, the relevant para whereof reads as under:-

"I have the honour to submit that in compliance of order dated 29.10.2021, passed by Hon'ble High Court, in CRM-M-45351-2021, statement of complainant

namely Mandeep Kaur has been recorded in FIR No. 1 dated 5.1.2021 Police Station Women Amritsar. As per her statement, she has effected the compromise with the accused (husband) voluntarily and without any misrepresentation, thereat, coercion or duress.

Accused Jaspreet Singh has also got recorded his statement and he also stated that with the intervention of respectable, compromise has been effected and that parties have decided entered into same without any misrepresentation, undue influence or threat. They undertook to remain bound by their statements. As a mark of identity, he had placed on record copy of his adhar card.

Statement of investigatin officer IO/ASI Satpal Singh 910, PS Women Amritsar has also been recorded to the effect that FIR was registered against accused Jaspreet Singh and there is one accused involved in the present case namely Jaspreet Singh. He further stated that no accused has ever been declared as proclaimed offender in the present case. Present case is pending for prosecution evidence.

From the statement of complainant Mandeep Kaur and accused Jaspreet Singh so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort or pressure or coercion from any corner. Kindly find enclosed herewith photocopies of statements of the complainant, accused, photo copies of their aadhar cards and photocopy of statement of IO/ASI Satpal Singh 910, PS Women Amritsar.

The report with regard to compromise on the basis of statements of the parties along with statements of the parties, as directed by the Hon'ble High Court, is

accordingly being submitted for perusal by His Lordship please.

Accordingly the report is being submitted.”

It has been stated that the matrimonial dispute has been amicably settled between the parties. Furthermore, the marriage between the parties has already been dissolved by a decree of divorce by mutual consent.

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. 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. 01 dated 05.01.2016 under Sections 498-A IPC, 1860, registered at Police Station Women Police Station, District Police Commissionerate, Amritsar 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.

15.12.2021
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(VIVEK PURI)
JUDGE

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