

VINAY KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Deepak Aroa, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Kuldeep Kumar Sarthi, 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. 31 dated 28.03.2016 under Sections 406/498-A IPC, 1860 registered at Police Station Women Cell, Jalandhar, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 01.11.2021, 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 01.11.2021, learned Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and submitted its report dated 02.12.2021, the relevant para whereof reads as under:-

“ Most respectfully, this is reference to the subject cited above complainant Meenakshi D/o Bhagwanjit W/o Vinay Kumar R/o WQ-224, Mohalla Chaiam, Basti Sheikh, Jalandhar and accused namely Vinay Kumar age about 31 years S/o Madan Lal R/o WQ-224, Mohalla Chaiam, Basti Sheikh, Jalandhary together came present in the Court for recording their statements in order to confirm genuineness of the compromise. They produced copy of the above said order passed by Honourable High Court passed in CRM-M-45612-2021 in case titled as ‘Vinay Kumar Vs. State of Punjab and another’. On joint request of the counsels for the parties, the time was fixed for recording the statements of the parties. Complainant and accused appeared in the Court in compliance of the above said order passed by Honourable High Court. The complainant has also suffered statement that she has compromised the matter with accused party i.e. Vinay Kumar age about 31 years S/o Madan Lal R/o WQ-224, Mohalla Chaiam, Basti Sheikh, Jalandhar. She and accused party will remain peacefully in the future as per compromise effected between them. She has compromised with the accused party, without any threat, inducement or any kind of pressure. Now there is no grudge against the accused party. She wants to live peacefully in the society in future. She does not want to take any action against the accused in the present case. She has got no objection, if the present FIR against the above mentioned accused be quashed by the Hon’ble High Court of Punjab and Haryana at Chandigarh. The present compromise has been effected with the free consent and without any pressure. There is no other person as accused involved in the occurrence given in the FIR. Accused has not been declared P.O in this case and not declared proclaimed offender in any other criminal case. There is only one complainant in this case. Similarly, accused have also suffered statement to the effect that they have compromise with the complainant. They have compromise with the complainant without any threat, inducement or any kind of pressure. The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the

parties are duly identified by their counsels.

As per record, accused Vinay Kumar has not been declared proclaimed offender in this case.

Both the parties have compromised the matter. There is no grudge remain between parties. The compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.

The compliance report along with statements of parties recorded by the undersigned is submitted herewith for onward transmission to the Hon'ble Punjab and Haryana High Court, Chandigarh. ”

Learned counsel for the petitioner contends that the matter has been amicably settled between the parties. Petitioner No.1 and respondent No.2 have started residing together and no other litigation between the parties is pending.

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. 31 dated 28.03.2016 under Sections 406/498-A IPC, 1860 registered at

Police Station Women Cell, Jalandhar and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

21.12.2021
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(VIVEK PURI)
JUDGE

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