

CRM-M-2492-2022

Date of decision: 23.05.2022

GURVINDER SINGH @ GURWINDER SINGH
AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S. Brar, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Shavinderpal Singh, Advocate for respondent Nos.2 and 3.

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 175 dated 17.08.2021 under Sections 406/498-A IPC, 1860, registered at Police Station Baghapurana, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise.

On 02.02.2022, 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 02.02.2022, learned Sub Divisional Judicial Magistrate, Baghapurana has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“1. That as per statement of accused-petitioners Jaspreet Singh, Gurvinder Singh and Sukhjeet Kaur, no other person

except them has been arrayed as accused in the present case. No accused has been declared as proclaimed offender and the accused persons are not involved in any other case.

2. That as per statement of Investigating Officer namely, Inspector Angrej Singh, Sarabjit Kaur daughter of Kulwinder Singh is complainant in the FIR and Rajpreet Kaur daughter of Kulwinder Singh is victim.

3. That the complainant namely Sarabjit Kaur has made her separate statement that present FIR was lodged by her against accused, namely Jaspreet Singh, Gurvinder Singh and Sukhjeet Kaur and now she has compromised the matter with the accused persons and compromise is effected with free will and without any pressure or coercion. Similarly, Rajpreet Kaur who is sister of complainant also suffered similar statement.

4. That joint statement of accused was also recorded separately, wherein they stated that with the intervention of respectables, they have compromise the matter with the complainant with free will and without any pressure or coercion. Petitioners-accused further deposed that no other person except them has been arrayed as accused in the present case. No accused has been declared as proclaimed offender and no one from them is accused in any other case.

The above statements of parties have been recorded in presence of their counsels. So, I am satisfied that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Copies of statements of the parties have been attached with this report. ”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 and the marriage of petitioner No.2 was solemnized with respondent No.3. Petitioners No.1 and 2 are brothers and respondent Nos.2 and 3 are sisters. The matrimonial dispute had cropped up between both the couples and subsequently, the matter was amicably settled through mediation in terms of settlement/compromise dated 23.12.2021 (Annexure P-2). Both the couples are now happily residing in the matrimonial house.

Learned counsel for respondent Nos.2 and 3 states that he has no objection if FIR is quashed.

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.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute between two couples 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.

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. 175 dated 17.08.2021 under Sections 406/498-A IPC, 1860, registered at Police Station Baghapurana, District Moga 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.

23.05.2022
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(VIVEK PURI)
JUDGE

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