

NAIB SINGH @ RAJ SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. B.S.Bhalla, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Ms. Harleen Ahluwalia, Advocate for Mr. Shinder Pal Singh, Advocate has put in appearance on behalf of respondent Nos.2 and 3 and filed Vakalatnama, which is taken on record.

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. 101 dated 04.10.2017 under Sections 498-A/406 IPC, 1860, registered at Police Station Mehna, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise.

On 03.02.2022, 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 03.02.2022, learned Judicial

submitted the report to the effect that the compromise so effected between the parties is genuine and voluntary in nature. The compromise so entered is free from any duress and inducement. Only two persons have been arraigned as an accused in the case and no accused is proclaimed offender.

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise/affidavits dated 18.01.2022 (Annexures P-2 and P-3). Petitioner No.1 and respondent No.2 are happily residing together in the matrimonial house.

Learned counsel appearing on behalf of respondent Nos.2 and 3 states that she 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 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. 101 dated 04.10.2017 under Sections 498-A/406 IPC, 1860, registered at Police Station Mehna, 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.

26.05.2022
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(VIVEK PURI)
JUDGE

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