

CRM-M-3650-2021

Date of decision: 11.05.2022

RAJESH SHARMA

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Gurwinder 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. 13 dated 25.01.2020, under Sections 406/498-A IPC, 1860, registered at Women Police Station, District Police Commissionerate Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 22.02.2021, 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 22.02.2021, learned Civil Judge (Junior Division)-cum-Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and submitted her report, the relevant para whereof reads

“Q. Whether the compromise is genuine?”

A. Yes, the compromise is genuine and is entered by the parties with their free will and without undue influence, or coercion. Their statements in this regard are recorded separately, which are duly signed by the parties.

Q. Whether any PO proceedings are pending against any of the party?

A. As per the report received from concerned police station, no PO proceedings are pending against accused Rajesh Sharma. ”

Learned counsel for the petitioner contends that the marriage between the parties was solemnized on 13.09.1997 and the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 09.10.2020 (Annexure P-2). The marriage of the petitioner with respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 24.08.2021 passed by the Court of learned Principal Judge, Family Court, Jalandhar. No other case is pending between the parties.

Learned counsel for respondent No.2 states that he has no objection if the 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. 13 dated 25.01.2020, under Sections 406/498-A IPC, 1860, registered at Women Police Station, District Police Commissionerate 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.

11.05.2022
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(VIVEK PURI)
JUDGE

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