

CRM-M-3503-2020
Date of decision: 23.11.2022

VERSUS

...RESPONDENTS

CRM-M-8936-2020

...PETITIONERS

VERSUS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.K.S.Phoolka, Advocate for the petitioner(s).

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Davinder Kumar, Advocate for respondent No.2.

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.41 dated 18.07.2017 under Sections 498-A/406 IPC, registered at Police Station Women Cell, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise.

On 27.01.2020 and 02.03.2020, 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 27.01.2020 and 02.03.2020, learned

Judicial Magistrate 1st Class, Bathinda has recorded the statements of the parties and submitted the report.

The report of the learned trial Court was called in both the petitions.

After recording the statements of the parties and Investigating Officer, the learned trial Court had made a report to the effect that it is of a considered opinion that the compromise effected between the parties is genuine and the same has been effected voluntarily without any pressure, coercion or undue influence from any quarter.

Learned counsel for the petitioners contend that Jeet Singh, the father-in-law of respondent No.2 was also arraigned as an accused but he has died on 21.08.2018 and the proceedings against him stand abated. It has been further submitted that the marriage of Jatinderpal Singh Nagra @ Jatinder Singh-petitioner No.1 was solemnized with respondent No.2 on 24.08.2015 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 19.12.2019 (Annexure P-2). The marriage of Jatinderpal Singh @ Jatinder Singh-petitioner No.1 and 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 01.12.2018 passed by the learned District Judge, Bathinda. A sum of Rs.4,75,000/- has been paid on account of permanent alimony to respondent No.2. She has received all her articles of *Istri Dhan*. No other case is pending between the parties.

Learned State counsel and counsel for have also not disputed the fact of the death of Jeet Singh, the father-in-law of respondent No.2.

Learned counsel for respondent No.2 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 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.41 dated 18.07.2017 under Sections 498-A/406 IPC, registered at Police Station Women Cell, District Bathinda 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.

23.11.2022

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(VIVEK PURI)
JUDGE

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