

CRM-M-5153-2022
Date of decision: 23.05.2022

SIDHARTH DUGGAL AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

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

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Amandeep Singh Rehal, Advocate for
Mr. Malkiat Singh Hundal, 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. 114 dated 09.05.2018 under Sections 406/498-A IPC, 1860, registered at Police Station Sadar Nakkodar, District Jalandhar Rural and all the consequential proceedings arising therefrom, on the basis of compromise.

On 09.02.2022, the parties were directed to appear before the Trial Court/Illaqa 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 09.02.2022, learned Sub Divisional Judicial Magistrate, Nakodar has recorded the statements of the parties and submitted her report, the relevant para whereof reads as under:-

“1. As per statement of Investigating officer SI Ajit Singh, there are three persons namely 1. Sidharth Duggal 2. Suman Duggal and 3. Prakriti Kohli arrayed as accused. No accused has been declared proclaimed offender in the above said FIR.

It is further submitted that out of above said accused persons, Sidharth Duggal and Suman Duggal appeared personally and accused Suman Duggal also appeared as attorney of accused Prakriti Kohli.

2. Jugal Kishore Kohli is the complainant and Sunaina is the aggrieved. Both of them appeared and made their respective statements in support of compromise.

3. Now the case is pending for awaiting orders of Hon’ble Punjab & Haryana High Court as the proceedings were stayed by Hon’ble Punjab & Haryana High Court.

4. In view of the statements suffered by parties, this Court is of the considered view that the parties have arrived at a compromise voluntarily and without any kind of influence or coercion.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 22.11.2021 (Annexure P-2). Petitioner No.1 and respondent No.3 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent, wherein the statements of the parties at the stage of first motion have been recorded. A sum of Rs. 9,00,000/- shall be paid to respondent No.3 on account of permanent alimony and a sum of Rs. 4,50,000/- has already been paid. Respondent No.3 has also withdrawn the petition under Section 125 Cr.P.C and no other case is pending between the parties.

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 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. 114 dated 09.05.2018 under Sections 406/498-A IPC, 1860, registered at Police Station Sadar Nakkodar, District Jalandhar Rural 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
renubala

(VIVEK PURI)
JUDGE

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