

CRM-M-5520-2021

Date of decision: 12.09.2022

MANISH KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Maninder Singh Saini, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Varun Goyal, Advocate
for the 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.194 dated 15.09.2020 under Section 498-A IPC, registered at Police Station Mahilpur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 05.02.2021, 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 05.02.2021, learned Judicial Magistrate 1st Class, Garhshankar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“So, as per the statement suffered by the all accused and complainant they have been compromised the

matter, voluntarily, without any coercion or undue influence and compromise is genuine one. The point wise report is given her under as sought by Honorable High court.

1). The total number of one accused was arrayed in the FIR No.194 dated 15.09.2020, under Section 498-A IPC at PS. Mahilpur.

2). No P.O proceedings is pending or initiated against the above said accused.

3). There is only one complainant/victim Harmanpreet Kaur age about 36 years, wife of Manish Kumar resident of V.P.O Malpur Krkan Nawanshahar, Shahid Bhagat Singh Nagar, Punjab in the said case.”

Learned counsel for the petitioner contends the marriage of the petitioner was solemnized with respondent No.2 on 25.11.2017 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 08.01.2021 (Annexure P-2). The petitioner and respondent No. 2 have resumed co-habitation. Respondent No.2 along with minor child is residing in the matrimonial house.

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. 194 dated 15.09.2020 under Section 498-A IPC, registered at Police Station Mahilpur 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.

12.09.2022
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(VIVEK PURI)
JUDGE

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