

CRM-M-7686-2021

Date of decision: 02.06.2022

SATNAM SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Suresh Kumar Arya, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Anil Kumar Spehia, 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. 357 dated 31.10.2013 under Sections 406/498-A IPC, 1860, registered at Police Station 'A' Division, District Amritsar City and all the consequential proceedings arising therefrom, on the basis of compromise.

On 18.02.2022, 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 18.02.2022, learned Judicial Magistrate 1st Class, Amritsar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

appears that the compromise is genuine, voluntary without any threat or coercion. The parties were identified by the learned counsel for the parties. As per Investigating Officer, there is one accused namely Satnam Singh involved in the present FIR. He also stated that accused Satnam Singh, who is on bail in this case, is not involved in any other FIR, except the present case and he has never been declared as proclaimed offender. ”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 13.02.2021(Annexure P-2). The marriage of the petitioner and respondent No. 2 was solemnized on 25.11.2007 and two children were born from the wedlock. The marriage of the parties 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 10.07.2015 passed by the learned Additional District Judge, Amritsar. The custody of Gursharanjit Singh minor child shall remain with the petitioner and the custody of Baljit Singh shall remain with respondent No.2. No other case is pending between the parties.

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. 357 dated 31.10.2013 under Sections 406/498-A IPC, 1860, registered at Police Station 'A' Division, District Amritsar City 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.

02.06.2022
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(VIVEK PURI)
JUDGE

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