

GURJEET SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.S.Saini, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. N.S. Dandiwal, 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.93 dated 09.11.2018 under Sections 406/498-A IPC (Section 323/315 IPC added later on), registered at Police Station City Singh Bhagwantpur, District Ropar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 23.03.2022, 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 23.03.2022, learned Additional District & Sessions Judge, Rupnagar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

the complainant/victim, accused and Investigating Officer, the point wise information sought by the Hon'ble High Court is as under:-

- 1. Number of persons arrayed as accused in FIR---3 (Three).*
- 2. Whether any accused is proclaimed offender--- No.*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence---The compromise effected between the parties appears to be genuine and it was effected with their own free will and without any threat, coercion or undue influence.*
- 4. Whether the accused persons are involved in any other case or not--- It is submitted that as per the statement of Investigating Officer one other case bearing FIR No. 246 dated 09.12.2015, under Section 365/506/148 IPC Police Station City Rupnagar was registered against accused Balwinder Singh in which he had already been acquitted on 15.09.2016.*
- 5. Recording of statement of Investigating Officer as to how many victims/complainants are there in the FIR--- Statement of Investigating Officer was recorded and as per her statement there is only one victim/complainant namely Sarabjot Kaur daughter of Sh. Harnek Singh resident of House No. 251, Ward No. 5, Kurali, District Mohali in the present FIR. ”*

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties through mediation at Rupnagar in terms of settlement dated 21.10.2021(Annexure P-2). The marriage between 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 26.05.2022 passed by the Family Court at Rupnagar. A sum of Rs. 4,00,000/- has been paid on account of permanent alimony. 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.93 dated 09.11.2018 under Sections 406/498-A IPC (Section 323/315 IPC added later on), registered at Police Station City Singh Bhagwantpur, District Ropar 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.

28.07.2022
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(VIVEK PURI)
JUDGE

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