

VISHAL KAUSHAL

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sanjeev Roy, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Mukesh Bhatnagar, Advocate for
Mr. Bharat Puri, 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.59 dated 15.05.2021 under Sections 406/498-A IPC, 1860, registered at Police Station Women Cell, Jalandhar City and all the consequential proceedings arising therefrom, on the basis of compromise.

On 06.04.2022, 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 06.04.2022, learned Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Both parties have compromised the matter. There is no grudge remain between parties. The compromise is

voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

It has also been reported that there is only one complainant in the instant case. Furthermore, except the petitioner no other person has been nominated as an accused. He is not involved in any other case and has not been declared proclaimed offender in any other criminal complaint.

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 05.07.2021 (Annexure P-2). The marriage of the petitioner 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 01.02.2022 passed by the Family Court, Jalandhar. A sum of Rs. 4,40,000/- has been paid on account of permanent alimony to respondent No.2. The custody of minor child 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

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.59 dated 15.05.2021 under Sections 406/498-A IPC, 1860, registered at Police Station Women Cell, Jalandhar 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.

09.08.2022
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(VIVEK PURI)
JUDGE

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