

CRM-M-8964-2022
Date of Decision: 29.04.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

“1. In view of the statement of complainant as well as Investigating Officer, three persons i.e. Harmeet Singh son of Mukhtiar Singh, Mukhtiar Singh son of Tehal Singh and Baljeet Kaur wife of Mukhtiar Singh (Petitioners) are arrayed as accused in the present case FIR.

2. *In view of statement of petitioners as well as Investigating Officer, no accused has been declared proclaimed offender*
3. *In view of the statements of parties, the statements of parties appears to be bonafide. The statements have been suffered by the parties are genuine, voluntary and out of their free will and same are not the result of any pressure, undue influence or coercion in any manner.*
4. *In view of the statement of petitioners as well as Investigating Officer, accused are not involved in any other FIR.*
5. *In view of the statements of Investigating Officer, except complainant/respondent No.2 Rajbir Kaur, there is no other complainant/victim in the present case FIR.”*

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent wherein statements of the parties at the stage of first motion have been recorded. Respondent No.2 shall be paid a sum of Rs.14 lakhs on account of permanent alimony and out of the same, a sum of Rs.7 lakhs has already been paid.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has stated that he has no objection if the FIR is quashed.

After hearing 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.9 dated 28.10.2020 under Sections 498-A and 406 IPC registered at Police Station NRI Bathinda, District Bathinda and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

29.04.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No