

DINESH CHAUDHARY AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankit Grewal, Advocate for
Mr. Vaibhav Jain, Advocate for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Rohiteshwar Singh, 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.88 dated 15.11.2014, under Sections 406/498-A/380/323/34 IPC, 1860, registered at Police Station Women Cell, Jalandhar District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 20.04.2022, 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 20.04.2022, learned Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Investigating Officer SI Varinder Singh No. 179/KPT posted at PS Women Cell, Jalandhar suffered a

statement that as per record the name of the complainant of the present case is Monika and except her there is no other complainant in this FIR. The name of the accused is Dinesh Chaudhary, Kailash Devi and Rishi Chaudhary. Except them, there is no other person nominated by the police as accused. As per record, accused is neither involved in any other case nor declared proclaimed offender in any other criminal case. As per record the name of the complainant of the present case is Monika and except her there is no other complainant in this FIR. The name of the accused is Dinesh Chaudhary, Kailash Devi and Rishi Chaudhary. Except them, there is no other person nominated by the police as accused. As per record, accused is neither involved in any other case nor declared proclaimed offender in any other criminal case. At present, the case is pending for the evidence of the prosecution. Both the 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.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 09.03.2012 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 25.01.2020 (Annexure P-2). Respondent No.2 is happily residing with the minor child in her matrimonial house with the petitioners. 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 88 dated 15.11.2014, under Sections 406/498-A/380/323/34 IPC, 1860, registered at Police Station Women Cell, Jalandhar District Jalandhar 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.

18.08.2022
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(VIVEK PURI)
JUDGE

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