

CRM-M-10633-2022

Date of decision: 10.08.2022

BARINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jasmeet S. Ghumman, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Mr. Ankur Bansal, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney, which is taken on record.

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.29 dated 07.04.2021 under Section 498-A IPC, registered at Police Station Patara, District Jalandhar Rural and all the consequential proceedings arising therefrom, on the basis of compromise.

On 11.03.2022, 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 11.03.2022, learned Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

- “(i) It is respectfully submitted that as per the statement given by Investigating Officer there is only one accused in the present case namely Barinder Singh.*
- (ii) It is respectfully submitted that as per the statement given by investigating officer the above named accused is not a proclaimed offender.*
- (iii) It is respectfully submitted that in view of statements given by the parties this Court is of the considered opinion that compromise effected between the parties is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter.*
- (iv) It is respectfully submitted that as per the statement given by the investigating officer except the present FIR accused Barinder Singh is not involved in any other case/FIR.*
- (v) It is respectfully submitted that as per the statement given by investigating officer there is only one victim/complainant namely Sachdeep Kaur in the present FIR.”*

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 22.12.2021 (Annexure P-2). The marriage of the petitioner and respondent No.2 was solemnized on 16.01.2015 but no child has been born from the wedlock. The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent, wherein, the statements of the parties at the stage of first motion have been recorded. A sum of Rs. 16,00,000/- shall be paid to respondent No.2 on account of permanent alimony. A sum of Rs. 8,00,000/- has already been paid and the balance amount of Rs. 8,00,000/- shall be paid at the time of recording the statements at the stage of second motion. 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.29 dated 07.04.2021 under Section 498-A IPC, registered at Police Station Patara, District Jalandhar Rural 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.

10.08.2022
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(VIVEK PURI)
JUDGE

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