

CRM-M-8357-2020

Date of decision: 22.04.2022

DISHANT THAKUR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Swarn Tiwana, 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. 101 dated 04.07.2019 under Sections 406/498-A IPC, 1860, registered at Women Police Station, Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 09.09.2021, 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 09.09.2021, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

Dishant Thakur aged about 29 years son of Sameer R/o Aujila Railway Crossing, Factory Area, Minah Floor Mill, Tehsil and District Kaputhala and complainant/respondent namely Manu Bala wife of Dishant Thakur and daughter of Sh. Onkar Singh R/o Village Dhaura Tehsil and District Ludhiana, have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Ld. Counsel. So, from the statements of the parties, it appears to the court that the parties have compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.

As per the statement of the Investigating Officer and report of the concerned Ahlmad, no PO proceedings are pending against any of the party.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties. At the earlier instance, the allegations were levelled against petitioner and 03 other family members in the FIR. However, the FIR was registered only against the petitioner. The marriage of the petitioner with 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/decreed dated 22.10.2021 passed by the Court of Family Court at Ludhiana. The permanent alimony has been paid to respondent No. 2. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C and 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

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. 101 dated 04.07.2019 under Sections 406/498-A IPC, 1860, registered at Women Police Station, Ludhiana 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.

22.04.2022
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(VIVEK PURI)
JUDGE

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