

SAURABH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashwani Bhardwaj, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Narender Kaajla, Advocate for
Mr. Sumit Sharma, 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.79 dated 03.10.2015 under Sections 498-A/406/34/IPC, registered at Police Station Maloud, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 15.03.2022, 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 15.03.2022, learned Judicial Magistrate 1st Class has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. There are two accused namely Saurabh Bhola son of Uttam Chand and Neelam Bhola widow of Late

Davender Pal arraigned in the present FIR.

2. *None of the accused is declared as proclaimed offender.*

3. *It is further submitted that from the perusal of the statements of the parties it appears that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.*

4. *The accused are not involved in any other case.*

5. *The statement of Investigating Officer namely SI Satwinder Singh was recorded whereby he has stated that there is only one victim/complainant namely Gifty in the present FIR. ”*

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 and respondent No.2 was solemnized on 23.09.2021 and a female child has been born from the wedlock. Respondent No.2 along with minor child is now happily residing in the matrimonial house with petitioner No.1.

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.

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.79 dated 03.10.2015 under Sections 498-A/406/34/IPC, registered at Police Station Maloud, District 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.

23.08.2022
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(VIVEK PURI)
JUDGE

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