

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9329-2020

Date of Decision: 21.09.2022

VIKRAM RAI @ VICKY

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Bhawesh Chaudhary, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Aman Rehal, Advocate for

Mr. Kanhiya Soni, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 102 dated 05.11.2019 under Sections 406 and 498-A IPC registered at Women Police Station, District Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 02.03.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 02.03.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jalandhar, has sent the report and the relevant portion whereof reads as under:-

“SI Anju Bala No.18/JPCT posted at PS Women Cell, Jalandhar as per record the name of the complainant of the present case is Harmesh Lal and the name of the victim is Neeru and except them there is no other complainant in this FIR. The name of the accused person is Vikram Rai. Except him, there is no other persons nominated by the police as accused. As per record, accused is neither involved in any other case in Jalandhar nor declared proclaimed offender in

any other criminal case in Jalandhar.

The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the parties are duly identified by their counsels.

As per record the name of the complainant of the present case is Harmesh Lal and the name of the victim is Neeru and except them there is no other complainant in this FIR. The name of the accused person is Vikram Rai. Except him, there is no other persons nominated by the police as accused. As per record, accused is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar. At present, the case is pending for consideration on charge.

Both 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 petitioner contends that in the application, respondent No.2 had levelled allegations against the petitioner and his other relatives. However, the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 20.06.2019, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 03.08.2021 passed by the learned Family Court, Jalandhar. A sum of Rs.2,50,000/- has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has also withdrawn the application under Section 12 of Protection of Women from Domestic Violence Act and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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. 102 dated 05.11.2019 under Sections 406 and 498-A IPC registered at Women Police Station, District Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

21.09.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No