

CRM-M-13024-2021

Date of decision: 04.04.2022

RAMANDEEP SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. L.S.Mann, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Nagesh Kumar Paul, Advocate for
Ms. Chhavi 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. 150 dated 07.12.2018 under Sections 406/498-A IPC, 1860, registered at Women Police Station, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 20.04.2021, 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 20.04.2021, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted its report dated 03.05.2021, which is as following:-

"I have the honour to submit that in pursuance of order dated 20.04.2021 passed in CRM-M No.13024-2021, the

Hon'ble Punjab and Haryana High Court has directed to this court to record the statement of the parties to verify the genuineness of the compromise between them, and send the report on or before 03.08.2021.

Accordingly, the statements of the complainant/respondent Baljinder Kaur D/o Baldev Singh W/o Ramandeep Singh, aged about 30 years, earlier R/o Littar, Ludhiana, presently residing at Quarter No.153-B, Police Line, Civil Lines, Ludhiana, District Ludhiana and petitioners/accused namely Ramandeep Singh aged about 30 years S/o Ram Saroop and Daljit Kaur aged about 52 years W/o Ram Saroop, both R/o # 118-A, Police Line Colony, Civil Lines, Ludhiana, 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 statement of the Investigating Officer and accused, except the present case, no other criminal case/inquiry/complaint is pending against the accused/petitioners namely Ramandeep Singh and Daljit Kaur.

As per contents of the FIR as well as statement of the parties and Investigating Officer, it is submitted that the present FIR has been registered only against two persons i.e. petitioners namely Ramandeep Singh and Daljit Kaur and they have not been declared as proclaimed offender in the present case.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties on the basis of compromise 10.02.2021 (Annexure P-2). Petitioner No.1 and respondent No.2 are residing happily together along with minor child. No other case is pending between the parties.

Learned counsel for respondent No.2 has stated that he has no objection if FIR is quashed.

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 between the relatives 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. 150 dated 07.12.2018 under Sections 406/498-A IPC, 1860, registered at Women Police Station, District Police Commissionerate 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.

04.04.2022
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(VIVEK PURI)
JUDGE

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