

CRM-M-12205-2021
Date of Decision: 21.11.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Puneet Bali, Advocate for
Mr. Gautam Dutt, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

In compliance of the order dated 08.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Gurdaspur has sent the report and the relevant portion whereof is reproduced here-in-below:-

It is also further submitted that from the

report of I.O.SI Kamaljit Singh that there are three accused persons in the present case and none of the accused persons were declared proclaimed persons as per his statement and further no criminal proceedings is pending among the accused persons and complainant/respondent at Police Station NRI Gurdaspur. ”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 27.11.2015 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 03.03.2020 passed by the Court of learned Additional Principal Judge, Family Court, Gurdaspur, Camp Court at Batala. A sum of Rs.5 lac has been paid to respondent No.2 on account of permanent alimony. The petition under Section 12 of the Protection of Women from Domestic Violence Act has been dismissed in default in the trial Court. Petition under Section 125 Cr.P.C. has been withdrawn and no other case is pending between the parties.

Learned counsel appearing 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.7 dated 16.07.2016 under Sections 406 and 498-A IPC registered at Police Station NRI, Gurdaspur and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

21.11.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No