

CRM-M-12448-2022

Date of decision: 09.08.2022

AKSHAY AND ORS.

..PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhcharan Singh, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Pranshul Dhull, 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.571 dated 08.10.2018 under Sections 323/34/342/354/377/406/498-A/506 IPC, 1860, registered at Police Station Sonipat Sadar, District Sonipat and all the consequential proceedings arising therefrom, on the basis of compromise.

On 24.03.2022, 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 24.03.2022, learned Additional Chief Judicial Magistrate, Sonapat has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

statements of the parties are bona fide and are not result of any threat, duress or coercion in any manner and hence compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence and is valid one.”

It is further reported that the petitioners are the only persons who have been arraigned as accused in the instant case. No other case has been registered against them and they have not been declared proclaimed offender in the instant case. Respondent No. 2 is the only victim/complainant in the instant FIR.

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties. During the course of investigation, the offences under Sections 354/377 IPC have been deleted. The marriage of petitioner No.1 and 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 and decree dated 11.04.2022 passed by the Family Court, Sonapat. The custody of minor child shall remain with respondent No.2. A sum of Rs. 6,00,000/- has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C and the complaint under the Protection of Women from Domestic Violence, Act. 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 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.571 dated 08.10.2018 under Sections 323/34/342/354/377/406/498-A/506 IPC, 1860, registered at Police Station Sonipat Sadar, District Sonipat 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.

09.08.2022
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(VIVEK PURI)
JUDGE

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