

CRM-M-13719-2021

Date of decision: 12.09.2022

AMARJIT

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms Aarti, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Bhupender Beniwal, Advocate
for the respondent No.2.

VIVEK PURI,J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.49 dated 03.06.2018 under Section 498-A IPC, registered at Police Station Sadar Banga, District SBS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 25.03.2021, 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 25.03.2021, learned Judicial Magistrate 1st Class, Shaheed Bhagar Singh Nagar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Statement of Rajni (complainant) was recorded. She stated that the matter between her and accused Amarjit has been compromised and further admitted the compromise Ex. C1 and stated that said compromise has been arrived between her and accused without any pressure or coercion. Before recording her statement, complainant was orally informed that if there is any type of coercion or undue influence on her, she can refuse to make the statement to which she replied in the negative.

Accused Amarjit also stated that he has compromised the matter with the complainant. He also admitted compromise Ex. C1. He further submitted that there is no other case pending between the parties.

Considering these circumstances, it appears that the compromise between the parties has been effected without any coercion or undue influence, and the parties have entered into compromise voluntarily.

Apropos to the second and third query, it is submitted that there is one accused facing trial in the present case, who is on bail and as per the report of Investigating Officer no other criminal proceeding is pending against accused Amarjit.”

Learned counsel for the petitioner contends the marriage of the petitioner was solemnized with respondent No.2 on 26.04.2015 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 03.03.2021 (Annexure P-2). 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 Hindu Marriage Act in terms of judgment and decree dated 02.03.2021 passed by the Court of Principal Judge, Family Court, SBS Nagar. A sum of Rs.3,50,000/- has been paid on account of permanent alimony to respondent No.2. 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.49 dated 03.06.2018 under Section 498-A IPC, registered at Police Station Sadar Banga, District SBS Nagar and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

12.09.2022
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(VIVEK PURI)
JUDGE

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