

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17029-2021
Date of Decision: 05.04.2022

RAJAN KUMAR ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vipin Mahajan, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Vishal Munjal, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 30 dated 05.05.2019 under Sections 498-A, 323 IPC, Police Station Qila Lal Singh, Police District Batala, District Gurdaspur, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 23.04.2021 notice of motion was issued and the parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 23.04.2021, learned Judicial Magistrate First Class, Batala has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“I have the honour to submit with respect to the

subject cited above that as per above order, statements of the parties recorded regarding compromise.

It is submitted that accused/Petitioner Rajan Kumar aged about 32 years son of Kishan Chand R/o Village Bhojraj Tehsil and District Gurdaspur and Complainant/Respondent No. 2 Geeta Rani W/o Rajan Kumar D/o Amarjit Kumar resident of Village Bijlwal, Tehsil Batala, District Gurdaspur have appeared and made statements on 13.05.2021 regarding compromise. They were asked to show their identity cards and photocopies of the same were taken on record (Photocopies of identity cards and statements attached herewith).

It is further submitted that statement of Investigating officer ASI Iqbal Singh No. 2152/ Blt, presently posted at P.S Qila Lal Singh has also been recorded (statement of Investigating Officer attached herewith).

It is further submitted that from the statement of the parties, it appears that compromise is genuine and without any pressure, coercion and undue influence.

It is further submitted that as per statement of Iqbal Singh No. 2152/Blt, in FIR No. 30 dated 05.05.2019 under Sections 498-A, 323 of IPC, P.S. Qila Lal Singh, District Gurdaspur, there is only one person arrayed as accused namely Rajan Kumar son of Kishan Chand, R/o Bhojraj, Tehsil and District Gurdaspur. It is further stated that no accused person has been declared as proclaimed offender in this case.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner and respondent No. 2 are residing happily together.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is 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*.

Accordingly, the present petition is allowed and FIR No. 30 dated 05.05.2019 under Sections 498-A, 323 IPC, Police Station Qila Lal Singh, Police District Batala, District Gurdaspur, Punjab and all the consequential proceedings arising therefrom are quashed qua the petitioner.

05.04.2022

Janki

(VIVEK PURI)
JUDGE

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