

285 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16044-2022
Date of Decision: 17.08.2022

AKASHDEEP

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sbhusham Goyal, Advocate for the petitioner.

Mr. Karanbir Singh, AAG Punjab.

Mr. Piyush Setia, 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. 100 dated 05.08.2020 under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 22 of Protection of Women from Domestic Violence Act registered at Police Station Talwandi Bhai, District Ferozepur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 20.04.2022, 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 20.04.2022, learned Addl.

Sessions Judge, Fast Track Court, Ferozepur has recorded the statements of

the parties and submitted the report, the relevant portion whereof reads as under:-

“1. There is only one accused namely Akashdeep son of Anchal Singh, resident of Near Gandhi School Faridkot in the present case FIR No. 100 dated 5.8.2020 under section 3 of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 and 22 of Protection of Women from Domestic Violence Act, P.S. Talwandi Bhai.

2. Accused Akashdeep was never declared as Proclaimed Offender.

3. Accused Akashdeep is neither involved in any other FIR nor any other criminal case is registered against the accused. The identity certificate of Akashdeep is already on the judicial file which is Ex. P5 bearing the report of MHC P.S.Talwandi Bhai in this regard.

4. There is only one complainant namely Shavinder Kaur wife of Akashdeep.

In view of the aforesaid statement of the complainant Shavinder Kaur aged 38 years wife of Akashdeep daughter of Thana Singh, resident of Ward No.7, Talwandi Bhai (Adhar Card No.2672 0172 5323) and accused Akashdeep aged 33 years son of Sh.Anchal Singh son of Sh.Karam Chand, Teacher, resident of House NO.B-II, 451, Ward No.18, Near Bobby Tent House, Faridkot (Adhar Card No.8682 5684 5006) of the case, the compromise Ex. P-1 effected between the parties appears to be genuine and correct one.”

Learned counsel for the petitioner contends that initially the FIR was lodged against the petitioner and 6 other family members. However, after the investigation the challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 10.10.2016 and a daughter was born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 11.04.2022, Annexure P-2. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by

judgment and decree dated 28.07.2022 passed by the learned Family Court, Ferozepur. The petitioner has paid a sum of Rs. 8 Lakhs on account of permanent alimony to respondent No.2. The custody of minor child shall remain with respondent No.2.

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. 100

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dated 05.08.2020 under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 22 of Protection of Women from Domestic Violence Act registered at Police Station Talwandi Bhai, District Ferozepur and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

17.08.2022

Janki

**(VIVEK PURI)
JUDGE**

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