

CRM-M-17011-2022

Date of decision: 23.08.2022

INDERJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Umesh Sharma, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Ms. Nisha Rana, Advocate for

Mr. Varinder Basa, Advocate for 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.189 dated 01.07.2019 under Sections 498-A/406 IPC, registered at Police Station Model Town, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 26.04.2022, 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 26.04.2022, learned Chief Judicial Magistrate, Hoshiarpur has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. That as per statement suffered by the Investigating Officer ASI Jaswinder Singh No.1237 HPR, at present posted at PS Mehtiana, Hoshiarpur in

the present FIR, there is only one person namely Inderjit Singh arrayed as accused in the FIR.

2. That as per statement suffered by the Investigating Officer ASI Jaswinder Singh No.1237 HPR, at present posted at PS Mehtiana, Hoshiarpur, no accused is Proclaimed Offender in the present case.

3. That in view of the above statement of the complainant and the accused, I am of the opinion that the compromise is genuine, voluntary and out of free will.

4. That as per statement suffered by the Investigating Officer ASI Jaswinder Singh No.1237 HPR, at present posted at PS Mehtiana, Hoshiarpur, no other FIR is pending against the accused at PS Model Town, Hoshiarpur.

5. That as per statement suffered by the Investigating Officer ASI Jaswinder Singh No.1237 HPR, at present posted at PS Mehtiana, Hoshiarpur in the present FIR, there is only one victim/complainant namely Jaswinder Kaur.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 09.03.2022 (Annexure P-2). The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein, the statements of the parties at the stage of first motion have been recorded. A sum of Rs. 4,50,000/- shall be paid on account of permanent alimony to respondent No.2 and a sum of Rs.2,25,000/- has already been paid to her. No child has been born from the wedlock. No other case is pending between the parties.

Learned counsel for respondent No.2 states that she 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.189 dated 01.07.2019 under Sections 498-A/406 IPC, registered at Police Station Model Town, District Hoshiarpur 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.

23.08.2022
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(VIVEK PURI)
JUDGE

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