

IQBAL SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Kumar Saini, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Yash Pal Thakur, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 105 dated 01.12.2015 under Sections 406, 498-A IPC registered at Police Station Women Cell, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 18.07.2018, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 18.07.2018, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“From the statements suffered by the above stated parties, I am satisfied that the parties have voluntarily entered into compromise with each other and the compromise which was produced in original before me appears to be genuine. The compromise appears to be without any pressure or coercion in any manner. As such, a valid compromise has been arrived at between the parties. There is no PO proceedings are pending against

any of the party. They had filed joint divorce petition u/s 13-B of HMA and the said petition had already been allowed by the Hon'ble court of Ms. Sanjeeta, Ld. ADJ, Ludhiana. ”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties in terms of compromise dated 25.01.2018 (Annexure P-2). The marriage between 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 the judgment and decree dated 06.04.2018 passed by the Additional District Judge, Ludhiana. No other case is pending between the parties. After the dissolution of the marriage, respondent No.2 has solemnized another marriage and residing in her other matrimonial house.

Learned counsel for respondent No.2 states that he has no objection if 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.

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. 105 dated 01.12.2015 under Sections 406, 498-A IPC registered at Police Station Women Cell, District Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioner.

02.06.2022
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(VIVEK PURI)
JUDGE

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