

CRM-M-18522-2022

Date of decision: 05.09.2022

GURDEEP SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jagraj Singh Khiva, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Lakhwinder Singh Sidhu, Advocate
for respondent No.2/complainant.

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.33 dated 02.03.2021 under Sections 354/506 IPC and Sections 66(E)/67/67(A) of Information and Technology Act, 2000, registered at Police Station Jhunir, District Mansa and all the consequential proceedings arising therefrom, on the basis of compromise.

Briefly, the allegations in the FIR are to the effect that the petitioner had uploaded the photographs of respondent No.2 by preparing a fake ID and posted obscene material on social media.

On 18.05.2022, 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 18.05.2022, learned Judicial

submitted the report, the relevant para whereof reads as under:-

“So after going through the above statements of complainant and accused persons, this Court is satisfied that a written compromise, copy of which is mark-CX have been effected between the complainant Aman Kaur and accused namely Gurdeep Singh are bonafide, without any coercion or undue influence and the same are genuine and voluntary. As per record, accused Gurdeep Singh stated that he has compromise in that case also and quashing petition is pending in the Hon’ble High Court on the basis of compromise. Further, as per the statement of Inspt Gurdeep Singh, I.O, only one complainant and one accused is involved in this case and no PO proceeding is pending against any of the party of the present FIR. Hence, this report is hereby submitted accordingly.”

Learned counsel for the petitioner contends the present FIR is an offshoot of matrimonial dispute between the petitioner and respondent No.2. At the instance of respondent No.2, another FIR bearing No.78 dated 06.08.2021, under Sections 498-A/406 IPC has been registered at PS Jhunir, District Mansa wherein the compromise has also been effected. The said FIR has been quashed in terms of order that has been passed today in the petition bearing CRM-M-18165-2022 by the Co-ordinate Bench of this Court. The matrimonial dispute has been amicably settled between the parties. 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 02.07.2022 passed by the learned Family Court, Mansa. A sum of Rs.14,75,000/- 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 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.33 dated 02.03.2021 under Sections 354/506 IPC and Sections 66(E)/67/67(A) of Information and Technology Act, 2000, registered at Police Station Jhunir, District Mansa 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.

05.09.2022
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(VIVEK PURI)
JUDGE

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