

TARLOCHAN SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jai Bhagwan, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Sanjeev Kumar, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.31 dated 21.04.2018 under Sections 498-A/406 IPC, registered at Police Station Sandaur, District Sangrur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 02.05.2022, 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 02.05.2022, learned Sub-Divisional Judicial Magistrate, Malerkotla has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

"1. There are two persons namely Tarlochan Singh and Paramjeet Kaur arraigned as accused in the FIR.

2. *As per statements of accused and I.O., accused have never been declared proclaimed offender.*
3. *As per statements of parties, the compromise is genuine, voluntarily and without any coercion or undue influence.*
4. *As per statements of accused and I.O., accused persons are not involved in any other case.*
5. *As per I.O., in the FIR, there is only one complainant namely Gurmukh Singh and his sister Jaspal Kaur is victim.”*

Learned counsel for the petitioner contends that the marriage of petitioner No.1 was solemnized with respondent No.2 on 08.02.2016 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 21.04.2022 (Annexure P-3). The marriage of petitioner No.1 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 17.08.2021. The minor child shall remain in the custody of respondent No.2 and the lump-sum amount has been paid on account of permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No.2 states that he 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.31 dated 21.04.2018 under Sections 498-A/406 IPC, registered at Police Station Sandaur, District Sangrur and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

01.09.2022
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(VIVEK PURI)
JUDGE

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