

CRM-M-18753-2022

Date of decision: 16.11.2022

NARENDER WADHWA @ RAJA
AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Shubham Verma, Advocate for
Mr. S.S. Dinarpur, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

Ms. Kinshu Mittal, Advocate has put in appearance on behalf of respondent No.2 and filed Vakalatnama, which is taken on record.

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.65 dated 06.11.2018 under Sections 406/498-A IPC, 1860, registered at Police Station Women Cell, District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 12.05.2022, 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 12.05.2022, learned Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“As per record the name of the complainant of the present case is Garima Abrol and except her there is no other complainant in this FIR. The names of the accused are Narender Wadhwa and Devinder Wadhwa. Accused Devinder Wadhwa has already been died and proceedings against him has also been abated by the court on dated 06.08.2021. Except them, there is no other person nominated by the police as accused. As per record, accused are neither involved in any other case nor declared proclaimed offender in any other criminal case. At present, the case is pending for appearance of the accused.

Both parties have compromised the matter. There is no grudge remain between parties. The compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

Learned counsel for the petitioners contend that the challan has been presented against petitioner No.1 and his father Devender Wadhwa. Devender Wadhwa has since died and the proceedings against him stand abated in the trial Court. Furthermore, petitioner Nos.2 and 3 were also nominated by respondent No.3 in her complaint but the challan was never presented against them. Even, the application under Section 319 Cr.P.C for summoning petitioner Nos.2 and 3 as accused has been dismissed by the trial Court. Consequently, he does not press the petition qua petitioner Nos.2 and 3 and the same be dismissed as withdrawn. It has been further stated that the marriage of petitioner No.1 was solemnized with respondent No.2 on 20.04.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties

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 18.07.2022 passed by the learned Family Court, Jalandhar. A sum of Rs.14,50,000/- 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.65 dated 06.11.2018 under Sections 406/498-A IPC, 1860, registered at Police Station Women Cell, District Jalandhar and all the consequential proceedings arising therefrom, are ordered to be quashed, qua

petitioner No.1 only. However, the petition qua petitioners Nos.2 and 3 is dismissed as withdrawn.

Resultantly, with the above-said observations made, the instant petition stands allowed qua petitioner No.1.

16.11.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No