

CRM-M-20010-2022

Date of decision: 23.11.2022

MANU BHARDWAJ

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Sukhpreet Kaur, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI,J. (ORAL)

Mr. Sandeep Sharma, Advocate has put in appearance on behalf of respondent No.2 and filed Vakalatnama, which is taken on record.

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.65 dated 17.04.2015 under Sections 46/498-A IPC, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib 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 Sub Divisional Judicial Magistrate, Amloh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

- “a) As per statement of SI Narinder Singh, only one accused person namely Manu Bhardwaj son of Vijay Bhardwaj is arrayed as accused in the present FIR.*
- b) As per statement of SI Narinder Singh, accused Manu Bhardwaj has not been declared proclaimed offender in the present FIR.*
- c) The compromise effected between the parties appear to be genuine being result of their free will.*
- d) As per statement of SI Narinder Singh, accused Manu Bhardwaj is not involved in any other case.*
- e) As per statement of SI Narinder Singh, Nitika Bhardwaj is only complainant/victim in the present case.”*

Learned counsel for the petitioner contends that although, the allegations were levelled against the petitioner and the other family member but FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 03.07.2003 and two children have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 27.04.2022 (Annexure P-2). The petitioner and respondent No.2 have resumed co-habitation. Respondent No.2 along with her minor children is happily residing in the matrimonial house with the petitioner.

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.65 dated 17.04.2015 under Sections 46/498-A IPC, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib 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.

23.11.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No