

CRM -M-39900-2020 (O&M)
Date of Decision: 12.09.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Sarabjit Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

In compliance of the order dated 02.08.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Amritsar, has sent the report which reads as under:-

“Pursuant to the order dated 02.08.2021 passed by the Hon'ble High Court in CRM-22007 of 2021 in CRM-M-39900 of 2020, report is hereby submitted to the effect that the statements of complainant Lovepreet Jassi aged about 28 years wife of Anoop Singh, daughter of Balinder Singh Jassi, resident of F11/119, Gali no.4, Batala Road, Vijay Nagar, Amritsar, Punjab and accused Anoop Singh, aged about 31 years son of

Jinder Singh, resident of H.No.624C, type 2, Rail coach Factory, Kapurthala, Punjab, have been recorded in case bearing FIR No.61 dated 24.08.2018, under Sections 406, 498-A of IPC, Police Station Women (Amritsar). This court is satisfied that the parties have made an amicable settlement and have recorded their statements in the court without any pressure, undue influence or coercion.

I. As per the statement recorded by ASI Parminder Singh No.473/ASR, total two accused persons arraigned in the FIR.

II. As per the statement recorded by ASI Parminder Singh No.473/ASR, no accused person is absconding/PO in the case.

III. As per the statement recorded by ASI Parminder Singh No.473/ASR, only one person namely Lovepreet Jass is complainant/aggrieved in the case.

IV. As per the statement recorded by SI Tarsem Singh No.585/ASR, challan in this case has not been presented in the Court yet as investigation is still pending.

V. It is submitted that both the accused and complainant appeared before this court for recording their statements.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 17.02.2017 but no child has been born from the wedlock. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 02.09.2022 passed by the Court of learned Principal Judge, Family Court, Amritsar. A sum of Rs.5 lac has been paid to respondent No.2 on account of permanent alimony and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. 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.61 dated 24.08.2018 under Sections 406 and 498-A IPC registered at Women Police Station District Police Commissionerate Amritsar and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

12.09.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No