

CRM-M-23047-2022

Date of decision: 28.09.2022

AMANDEEP AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anupam Bhardwaj, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. J.S. Thind, 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.46 dated 20.09.2016 under Sections 406/498-A/323/34 IPC, registered at Women Police Station, District Amritsar City and all the consequential proceedings arising therefrom, on the basis of compromise.

On 25.05.2022, 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 25.05.2022, learned Judicial Magistrate 1st Class, Amritsar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1) The number of accused arraigned in the present FIR is three i.e. the petitioners.

2) As per the statement of the IO, none of the

accused persons is a proclaimed offender.

3) *After perusing the statements of the parties, this Court is satisfied that the compromise is genuine, voluntary and out of free will of the parties.*

4) *As per statement of the Investigating Officer, none of the accused persons is involved in any other case.*

5) *As per statement of the Investigating Officer, there is only one victim/complainant i.e. respondent No.2 Meenakshi Arora in the present FIR.”*

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 10.12.2009 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 04.04.2022 (Annexure P-2). Petitioner No.1 and respondent No.2 have resumed co-habitation. Respondent No.2 along with minor child is happily residing in the matrimonial house with petitioner No.1 and his family.

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.

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.46 dated 20.09.2016 under Sections 406/498-A/323/34 IPC, registered at Women Police Station, District Amritsar City 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.

28.09.2022
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(VIVEK PURI)
JUDGE

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