

CRM-M-24354-2022

Date of decision: 27.09.2022

AKHIL KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arshit Goel, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Varun Dhawan, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

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.07 dated 21.01.2019 under Sections 406/498-A IPC, 1860, registered at Women Police Station, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise.

On 31.05.2022, 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 31.05.2022, learned Judicial Magistrate 1st Class, Patiala has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. As per the statement of Investigating Officer only Akhil Kumar, Kavita Sharma, Parnita Banga and Deepika Walia are the accused mentioned in the FIR and prosecution only file the charge sheet against the accused Akhil Kumar.

2. As per the statement of Investigating Officer neither of the accused have been declared as proclaimed offender/person nor any proclamation proceedings are pending against them. As per record accused persons are not involved in any other case.

3. From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.

4. Investigation Officer has submitted that as per record accused persons are not involved in any other case.

5. As per statement of Investigating Officer as per their record and FIR only Neha Garg d/o Krishan Kumar is the complainant/victim in this case. Both the parties have recorded their statements regarding the compromise.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 10.11.2012 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise/memorandum of understanding dated 20.05.2022 (Annexure P-2). Initially, the FIR was registered against the petitioner and his three sisters. However, three sisters were found innocent and the challan has been presented only against the petitioner. During the course of trial, on the application under Section 319 Cr.P.C, the sisters of the petitioners were also summoned but they have preferred revision and the same has been accepted in terms of order dated 11.05.2021 passed by the Court of learned Additional Sessions Judge, Patiala and the matter has been remitted to the trial Court to decide the matter afresh. The matter with regard to summoning of three sisters of the petitioner is still pending adjudication in the trial Court. In pursuance of the amicable settlement, the petitioner and respondent No.2 have instituted a petition

consent wherein, the statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs.18,00,000/- on account of permanent alimony to respondent No.2. A sum of Rs.10,00,000/- has already been paid to her and the balance amount of Rs.8,00,000/- shall be paid at the time of recording the statements of the parties at the stage of second motion. 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.07 dated 21.01.2019 under Sections 406/498-A IPC, 1860, registered at

Women Police Station, District Patiala all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua petitioner only.

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

27.09.2022
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(VIVEK PURI)
JUDGE

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