

CRM-M-24593-2022
Date of Decision: 21.09.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Ms. Anu Garg, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

In compliance of the order dated 01.06.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate Dera Bassi, has sent the report and the relevant portion whereof reads as under:-

(III) That the compromise effected between the parties i.e. complainant Rama and two of the accused Lucky and Harjit Kaur is genuine, valid and voluntary without any coercion or any kind of influence from any sphere.

(IV) That the accused is not involved in any other case in PS Dera Bassi.

(V) As per statement of IO, the said FIR was registered against Lucky and Harjit Kaur on complaint of Rama. No accused has been declared as proclaimed offender in this case. There is one victim namely Rama, who is complainant in this case.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 05.11.2019 but no child has been born from the wedlock. Though, there were allegations against father-in-law of respondent No.2 in the complaint, but FIR has been registered only against the petitioners with regard to offence under Sections 406 and 498-A IPC. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 05.05.2022 (Annexure P-4) passed by the Court of learned Principal Judge, Family Court (Camp Court), Derabassi. A sum of Rs.11,50,000/- 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 she 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.0243 dated 08.08.2021 under Sections 406 and 498-A IPC registered at Police Station Dera Bassi, District SAS Nagar and all the subsequent 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.

21.09.2022
smriti

(VIVEK PURI)
JUDGE

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