

CRM-M-25600-2022(O&M)
Date of decision: 20.09.2022

MANJIT SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Prabhjot Singh Chahal, Advocate for
Mr. G.S. Nagra, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Ms. Kuljeet Kaur, 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.113 dated 25.12.2015 under Sections 406/498-A/313/506 IPC, registered at Police Station Valtaha, Tarn Taran and all the consequential proceedings arising therefrom, on the basis of compromise.

On 06.06.2022, 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 06.06.2022, learned Additional District & Sessions Judge, Tarn Taran has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Please refer to the subject cited matter, it is submitted

that in compliance of the order dated 06.06.2022 passed by the Hon'ble High Court of Punjab and Haryana, Chandigarh, the parties have got recorded their statements before the court of undersigned on 26.08.2022. From the perusal of their statements, it is inferred that the compromise has been arrived between parties out of their free will and consent and the same is not be result of any pressure or coercion in any manner. Written compromise Ex.CX has been produced before this court and the same appears to be genuine. There are five accused persons namely Manjit Singh son of Avtar Singh, Kashmir Kaur wife of Avtar Singh, Sandeep Kaur daughter of Avtar Singh, Daljeet Kaur daughter of Avtar Singh and Joginder Kaur wife of Raghbir Singh. There are total seven directly affected persons i.e. complainant Gurbinder Kaur wife of Manjit Singh and her minor daughter Parmeet Kaur and five accused persons as named above. As per the statements of the accused persons, none of them is convicted or involved in any other case and none of them is proclaimed offender or any proceedings pending against them. The statements of accused persons and complainant are enclosed herewith for kind perusal."

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 about 03 years prior to the registration of FIR and a female child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 30.05.2022 (Annexure P-2). Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein, the statements of the parties at the stage of first motion have been recorded. An FDR for the sum of Rs.5,00,000/- has been prepared in the name of the daughter of petitioner No.1 and respondent No.2. A sum of Rs.10,00,000/- shall be paid on account of permanent alimony to respondent No.2 and the custody of minor daughter shall remain with her. No other case is pending between the parties.

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.113 dated 25.12.2015 under Sections 406/498-A/313/506 IPC, registered at Police Station Valtoha, Tarn Taran 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.

20.09.2022
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(VIVEK PURI)
JUDGE

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