

CRM-M-30644-2022

Date of decision: 23.11.2022

SATISH KUMAR AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikas Bali, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. D.S. Sidhu, 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.67 dated 15.09.2021 under Sections 406/498-A IPC, registered at Police Station Patara, District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 19.07.2022, 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 19.07.2022, learned Judicial Magistrate 1st Class, Karnal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) As per the statement of the Investigating Officer and the parties, there are three accused namely Satish

Kumar, Jagir Kaur and Salinder Singh.

(ii) As per the statement of investigating officer and the parties, none of the accused is a proclaimed offender.

(iii) This court, after hearing the parties in person and after going through the statements recorded in the court, is of the opinion that the compromise effected between the parties seems to be genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements recorded by the parties are not the result of any pressure coercion.

(iv) As per the statement of investigation officer and parties, no accused is involved in any other FIR.

(v) There is only one complainant i.e. Kamalpreet Kaur.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 25.06.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 07.07.2022 (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 in the learned Family Court, Jalandhar, wherein, statements of the parties at the stage of first motion have been recorded. Petitioner No.1 has paid a sum of Rs.5,50,000/- to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of *Istri Dhan* and 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.67 dated 15.09.2021 under Sections 406/498-A IPC, registered at Police Station Patara, District Jalandhar 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.

23.11.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No