

CRM-M-31320-2022

Date of decision: 15.11.2022

MANPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S. Verma, Advocate for the petitioner.

Mr. Gurpreet Singh Sandhu, DAG, Punjab.

Mr. Samuel Gill, Advocate for respondent No.2.

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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.39 dated 03.06.2020 under Section 498-A IPC, registered at Police Station Sudhar, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 28.07.2022, 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 28.07.2022, learned Civil Judge (Junior Division)-Cum-Judicial Magistrate 1<sup>st</sup> Class, Jagraon has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

- “1. There is only one accused in the present FIR as per the statement of the IO namely Manpreet Singh.*
- 2. None of the accused is proclaimed offender as per the statement of the IO.*
- 3. The compromise is genuine, voluntarily made out of the free will of the parties and without any coercion or undue influence.*
- 4. The accused is not involved in any other case as per the statement of the IO.*
- 5. There is only one complainant/victim namely Naginder Kaur as per the statement of the IO.”*

Learned counsel for the petitioner contends the marriage of the petitioner was solemnized with respondent No.2 on 10.02.2018 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 27.09.2022 passed by the learned Family Court, Ludhiana (Camp at Jagraon). A sum of Rs.6,00,000/- has been paid to respondent No.2 on account of permanent alimony. The custody of minor child shall remain with respondent No.2. 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.

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.39 dated 03.06.2020 under Section 498-A IPC, registered at Police Station Sudhar, District Ludhiana all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

15.11.2022

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(VIVEK PURI)  
JUDGE

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