

CRM-M-35713-2021 (O&M)
Date of Decision: 01.06.2022.

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Deepak Goyal, Advocate
for respondent No.2.

CRM-19867-2022

For the reasons stated in the application, the same is allowed.

Statements of the parties recorded in the petition under Section 13-B of the Hindu Marriage Act alongwith judgment are taken on record as Annexures P-8 to P-10, subject to all just exceptions.

Application is disposed of.

CRM-M-35713-2021

Through instant petition, the petitioners are seeking to quash the FIR No.62 dated 23.02.2021 under Sections 498-A and 406 IPC registered at Police Station Sohana, District Mohali and all the subsequent proceedings arising therefrom on the basis of compromise.

On 07.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 07.03.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, SAS Nagar, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“By considering the statements of complainant Rajni, accused Saurabh Kaushal, Anita Sharma, Ram Kumar Kaushal and Investigating officer ASI Bhag Singh, the requisite point wise report is as under :-

(i) Total three accused namely Saurabh Kaushal, Anita Sharma and Ram Kumar Kaushal are arrayed as accused in the present FIR.

(ii) None of the accused is proclaimed offender.

(iii) The compromise between the complainant and accused is genuine, voluntary and without any coercion or undue influence.

(iv) The accused are not involved in any other case.

(v) There is only one victim/complainant namely Rajni in the present FIR.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of judgment and decree dated 01.04.2022 passed by the Court of learned Principal Judge, Family Court, S.A.S.Nagar, Mohali. A sum of Rs.11,50,000/- has been paid to respondent No.2 on account of permanent alimony. The custody of minor child born from the wedlock shall remain with petitioner No.1. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. and no other case is pending between the parties.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 he 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.62 dated 23.02.2021 under Sections 498-A and 406 IPC registered at Police Station Sohana, District Mohali 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.

01.06.2022
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(VIVEK PURI)
JUDGE

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