

CRM-M-168-2022

Date of decision: 08.04.2022

AMARJOT AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nikhil Kumar Vashisht, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Madhur Sharma, 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. 28 dated 29.01.2019 under Sections 406/498-A IPC, 1860, registered at Police Station Phillaur, District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 06.01.2022, 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 06.01.2022, learned Sub Divisional Judicial Magistrate, Phillaur has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“After recording the statements of all the affected parties, report of SHO concerned was called and as per his report, points vise report is submitted as under:-

(i) As per report of SHO in the present case only three accused namely, Amarjot, Usha Rani and Bindu Pamma are involved.

(ii) As per report of SHO no any accused has been declared as Proclaimed Offender.

(iii) In view of statements of both the parties, compromise arrived between them appears to be bonafide and is not result of any pressure or coercion in any manner. The compromise effected between the parties i.e. complainant Manisha and accused Amarjot, Usha Rani and Bindu Pamma appears to be genuine and valid.

(iv) As per report of SHO one case bearing F.I.R. 114/2019 u/s 27-61-85 of NDPS, P.S. Basti Bawa Khel, District Jalandhar, which is fixed for 21.02.2022 against accused Amarjit @ Pamma. No any other case is pending against the other accused Usha Rani and Bindu Pamma.

(v) Statement of IO ASI Paramjit Singh has been recorded to the effect that only one complainant/victim namely, Manisha W/o Sh. Amarjot D/o Jagdish Moong in the present case.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties. The marriage between petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act. The amount of permanent alimony has been paid to respondent No.2. The custody of both the minor daughters 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.

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. 28 dated 29.01.2019 under Sections 406/498-A IPC, 1860, registered at Police Station Phillaur, 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.

08.04.2022
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(VIVEK PURI)
JUDGE

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