

ANKIT SHARMA

..PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Munish Garg, Advocate
for the petitioner.

Mr. A.S.Gill, Sr. DAG, Punjab.

VIVEK PURI,J. (ORAL)

Mr. Sandeep Kumar Bansal, Advocate has put in appearance on behalf of respondent No.2 and filed Vakalatnama, which is taken on record.

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. 41 dated 10.04.2018 under Sections 406/498-A IPC, 1860, registered at Women Police Station, District Police Commissionerate Ludhiana and later on all the consequential proceedings arising therefrom, on the basis of compromise.

On 17.07.2019, 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 17.07.2019/29.10.2019, learned Judicial Magistrate 1st Class, Ludhiana, has recorded the statements of the parties and submitted its report dated 24.02.2020, the relevant para whereof reads as

under:-

“I have honour to submit that in pursuance of order dated 29.10.2019 passed in CRM-M-29890-2019, the Hon’ble Punjab and Haryana High Court has directed to this court to record the statement of the parties to verify the genuineness of the compromise between them, and sent the report on or before 25.03.2020.

Accordingly, the statements of the complainant/respondent Rajneet Kaur aged about 30 years D/o Sukhdev Singh, R/o House No. 2966-B, Face-1, C.R.P.F. Colony, Dugri, District Ludhiana and petitioner/accused namely Ankit Sharma aged about 33 years S/o Parmod Kumar Sharma, R/o 15, Govindpuri, Kamla Nagar, Dayal Bagh, Kiraoli, Agra, U.P. at present R/o Shiv Nagar Balkeshwar Police Station, Belong to Gange Gori Bagh Colony, Agra (U.P.), have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Ld. Counsel. So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.

As per FIR and report of the concerned Ahlmad, there is only one person i.e. petitioner arrayed as accused.

As per report of Ahlmad and statement of the parties as well as statement of the Investigating Officer, accused has not been declared as proclaimed offender.

The statements of the complainant alongwith the statement of accused are being sent with this report for your’s Honours kind perusal.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties. The marriage between 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. The child born from the wedlock is in custody of respondent No.2 and the petitioner has handed over

the FDR worth Rs.5,50,000/- to respondent No.2 which have been drawn in the name of the minor child. Even, respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. It has been further stated that in pursuance of directions issued in terms of order dated 29.10.2019, a sum of Rs. 5,000/- has been deposited on account of costs in Poor Patients' Welfare Fund of **Post Graduate Institute of Medical Education and Research, Chandigarh**. The copy of the receipt is taken on record.

Learned counsel appearing on behalf of respondent No.2 has stated 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. 41 dated 10.04.2018 Under Sections 406/498-A IPC, 1860, registered at Women Police Station, District Police Commissionerate Ludhiana and 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.

28.03.2022
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(VIVEK PURI)
JUDGE

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