

CRM-M-34863-2022

Date of decision: 16.11.2022

JASPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Ms. Vibha, Advocate for the complainant/respondent No.2.

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.85 dated 06.06.2019 under Section 498-A IPC, registered at Police Station Garhshankar, Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 16.08.2022, 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 16.08.2022, learned Judicial Magistrate 1st Class, Garhshankar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“It is further submitted that in the present case only accused Jaspreet Singh has been arrayed in the FIR as accused.”

It is further submitted that as per the statements of SI Kuldeep Singh, Additional SHO, PS Garhshankar that in the present case no accused was declared as proclaimed offender in this case.

It is further submitted that the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

It is further submitted that as per the statement of Shri Kuldeep Singh, Sub Inspector, Police Station Garhshankar on behalf of IO has been recorded who stated that accused Jaspreet Singh is not involved in any other case except the present FIR.

It is further submitted that as per the statement of SI Kuldeep Singh, Additional SHO on behalf of IO has also been recorded to the effect that in the present case only complainant Pooja Rani is victim/complainant in the present FIR.

Keeping in view the statements of complainant Pooja Rani as well as accused namely Jaspreet Singh, this Court is of the considered view that in above mentioned FIR compromise has been effected between the above said complainant and all accused without any pressure or coercion and the same is genuine.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner was solemnized with respondent No.2 on 17.08.2012 and two daughters have been born from the wedlock. The custody of minor daughters shall remain with the petitioner. A sum of Rs.10,00,000/- has been paid to respondent No.2 on account of permanent alimony. The petitioner 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, SBS Nagar wherein, the statements of the parties at the stage of first motion have been recorded. No other case is pending between the parties.

Learned counsel for respondent No.2 states that she has no objection if FIR is quashed.

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.85 dated 06.06.2019 under Section 498-A IPC, registered at Police Station Garhshankar, Hoshiarpur 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.

16.11.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No