

CRM-M-35676-2022

Date of decision: 09.11.2022

GURWINDER SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.S.Dandiwal, Advocate for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Kulbir Singh Saini, Advocate for

Mr. Kuldeep Singh Saini, 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.59 dated 29.05.2022, under Sections 406/498-A IPC, registered at Police Station Mehatpur, District Jalandhar Rural and all the consequential proceedings arising therefrom, on the basis of compromise.

On 10.08.2022, 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 10.08.2022, learned Judicial Magistrate 1st Class, Nakodar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“i) As per the statement of complainant Rajwinder Kaur, accused Gurwinder Singh husband of complainant and

Gurdeep Kaur mother-in-law of complainant and Investigating Officer ASI Balwinder Singh, the present case has been registered on the statements of said Rajwinder Kaur against only two persons namely Gurwinder Singh her husband and Gurdeep Kaur her mother-in-law. The Investigating Officer has stated that except them no other person is victim or accused in the present case.

ii) As per the statement of complainant Rajwinder Singh, accused Gurwinder Singh husband of complainant and Gurdeep Kaur mother-in-law of complainant and Investigating Officer ASI Balwinder Singh neither of the accused has been declared proclaimed offender. The Investigating Officer ASI Balwinder Singh has submitted in his statement that as per his record no person involved in the present case has been declared a proclaimed offender.

Iii) From the perusal of the statement of parties as mentioned above, the compromise effected between them is genuine, voluntarily and without any coercion or undue influence.

iv) As per the statement of accused Gurwinder Singh husband of complainant and Gurdeep Kaur mother-in-law of complainant and Investigating Officer ASI Balwinder Singh, the accused persons are not involved in any other case.

v) As per the statement of complainant Rajwinder Kaur, accused Gurwinder Singh husband of complainant and Gurdeep Kaur mother-in-law of complainant and Investigating Officer ASI Balwinder Singh, there is only one victim/complainant namely Rajwinder Kaur in the present case.

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 28.04.2021 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 05.08.2022 (Annexure P-2). Petitioner No.1 and respondent No.2 have resumed co-habitation. Respondent No.2 is happily residing in the matrimonial house with petitioner No.1. No other case is pending between the parties.

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.59 dated 29.05.2022, under Sections 406/498-A IPC, registered at Police Station Mehatpur, District Jalandhar Rural 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.

09.11.2022
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(VIVEK PURI)
JUDGE

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