

CRM-M-36839-2022

Date of decision: 10.11.2022

PARDEEP NAGPAL

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Naveen Bawa, Advocate for the petitioner.
Mr. M.S. Nagra, AAG, Punjab.
Mr. Vishnu Dutt, 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.66 dated 20.08.2017 under Sections 406/498-A IPC, 1860, registered at Women Police Station, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 22.08.2022, 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 22.08.2022, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“As per statement of complainant Vandana Sayal, she has compromise the matter with the accused voluntarily and hence she no more want to proceed with the case. Separate statement of accused person namely Pardeep Kumar Nagpal was also recorded regarding the genuineness of the compromise arrived between the parties.

It is further submitted that as per the statement of IO ASI

Parkash Kaur no. 1711/Ldh. CP Office OSI Branch, Ludhiana there is only one accused person namely Pardeep Kumar Nagpal who has been arrayed as accused in present FIR and accused has not been declared as proclaimed offender in the present case. Also, as per statement of IO, no other FIR is registered against accused person except the present one, not any other person has been arrayed as accused in the present case. Further, the case is at stage of recording the evidence of prosecution witnesses and there are no more victims/complainants except the complainant at hand.

From the statements of the parties so recorded, the compromise arrived at between the parties appears to be a genuine compromise and is a voluntary act of the parties without their being any sort of pressure or coercion from any corner.”

Learned counsel for the petitioner contends that initially, the name of the petitioner and his other family members were mentioned in the complaint on the basis whereof the FIR has been registered. However, the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 13.04.2015 and a female child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 06.07.2022 (Annexure P-2). 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 wherein, the statements of the parties at the stage of first motion have been recorded. A sum of Rs.16,00,000/- shall be paid on account of permanent alimony to respondent No.2. A sum of Rs.5,00,000/- has already been paid and the balance amount of Rs.11,00,000/- is to be paid at the time of recording the statements of the parties at the stage of second motion in the proceedings under Section 13-B of Hindu Marriage Act. The custody of minor child 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.

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.66 dated 20.08.2017 under Sections 406/498-A IPC, 1860, registered at Women Police Station, District Ludhiana 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.

10.11.2022
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(VIVEK PURI)
JUDGE

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