

CRM-M-38011-2022

Date of decision: 24.11.2022

VISHAL VERMA

...PETITIONER

VERSUS

STATE OF PUJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sudhir Paruthi, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Om Malhan, Advocate for

Mr. Rattan Dua, Advocate for 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.32 dated 21.03.2020, under Sections 406/498-A IPC, registered at Police Station Women Cell, Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 25.08.2022, 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 25.08.2022, learned Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“As per record, Nisha is the complainant/victim of the present case. Except her, there is no other

complainant/victim in the present case. The names of accused person is Vishal Verma. Except him, there is no other person nominated by the police as accused. As per record, accused is neither involved in any other case nor declared proclaimed offender in any other criminal case. At present, the case is pending for appearance of the accused.

Both the parties have compromised the matter. There is no grudge remain between parties. The compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 15.02.2022 (Annexure P-2). The FIR was registered only against the petitioner and the other relatives have been found to be innocent. The marriage of the petitioner was solemnized with respondent No.2 on 29.09.2017 and a male child has been born from the wedlock. The marriage of 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 in terms of judgment and decree dated 30.08.2022 passed by the learned Family Court, Jalandhar. The petitioner has paid a sum of Rs.1,00,000/- on account of permanent alimony to respondent No.2. The custody of minor child shall remain with respondent No.2. All other cases have been withdrawn and 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.32 dated 21.03.2020, under Sections 406/498-A IPC, registered at Police Station Women Cell, Jalandhar 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.

24.11.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No