

CRM-M-42310-2021

Date of decision: 15.09.2022

JASVIR SINGH AND ORS.

...PETITIONERS

VERSUS

UT CHANDIGARH AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vinay Begra, Advocate for the petitioners.

Mr. Shashank Bhandari, Addl. PP, for UT, Chandigarh.

Mr. Abhinav Sood, 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.64 dated 21.08.2020 under Sections 406/498-A IPC, registered at Women Police Station, District Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise.

On 07.10.2021, 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 07.10.2021, learned Judicial Magistrate 1st Class, Chandigarh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(1) FIR No.64 dated 21.08.2020, under Sections 406/498-A IPC, at PS-WPS-17, Chandigarh has been

registered against four accused persons i.e. Jasvir Singh, Karnail Singh, Surinder Kaur, Mandeep Kaur. All the accused persons namely Jasvir Singh, Karnail Singh, Surinder Kaur, Mandeep Kaur have appeared before court and made their statement in support of compromise. None of the accused persons have been declared proclaimed offender.

(2) There is only one complainant/injured/aggrieved i.e. Kirandeep Kaur d/o Ranjit Singh, r/o House No.387, Sector-45, Chandigarh. Complainant Kirandeep Kaur has appeared before court and made her statement in support of compromise.

(3) As per statement of complainant, accused person and Investigating Officer, only FIR has been registered and the case is still under investigation.

(4) On the basis of statement given by parties, this Court is of the considered view that compromise between complainant Kirandeep Kaur and accused persons namely Jasvir Singh, Karnail Singh, Surinder Kaur, Mandeep Kaur is genuine, it has been effected voluntarily without any pressure, coercion or undue influence from any quarter.”

Learned counsel for the petitioners contend the marriage of petitioner No.1 was solemnized with respondent No.2 on 03.02.2013 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 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 23.05.2022 passed by the Additional Principal Judge, Family Court, Ludhiana Camp Court at Payal. A sum of Rs.2,15,000/- has been paid on account of permanent alimony to respondent No.2. 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.

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.64 dated 21.08.2020 under Sections 406/498-A IPC, registered at Women Police Station, District Chandigarh 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.

15.09.2022
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(VIVEK PURI)
JUDGE

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