

CRM-M-44013-2022
Date of Decision: 08.12.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Mr. Fateh Saini, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash FIR No.121 dated 22.05.2018 under Sections 323, 498-A, 406 and 506 IPC registered at Police Station Ambala Sadar, District Ambala and all the consequential proceedings arising therefrom on the basis of compromise.

On 22.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 22.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ambala, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Today, the parties alongwith their respective counsel appeared before the court and got recorded their statements to the effect that they have compromised the matter with each other voluntarily without any coercion or undue influence, pressure etc. from any side. Parties

have requested for quashing of the FIR alongwith the consequential proceedings arising therefrom against the accused. Statement of Investigating officer has also been record to this effect that there are only three accused in the present case and except the present case neither any other is pending against them nor any accused is proclaimed offender in this case.

As such, from statements of the parties, I am of the opinion that the compromise is genuine, voluntary and without any coercion or undue influence. ”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 02.05.2015 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 01.08.2022 passed by the Court of learned Addl. Principal Judge, Family Court, Ambala. The custody of the minor child shall remain with respondent No.2 and a sum of Rs.2,40,000/- has been paid to her on account of permanent alimony. The other cases pending between the parties have been withdrawn.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

After hearing 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.121 dated 22.05.2018 under Sections 323, 498-A, 406 and 506 IPC registered at Police Station Ambala Sadar, District Ambala and all the consequential proceedings arising therefrom on the basis of compromise is ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

08.12.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No