

282 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39728-2022
Date of Decision: 30.11.2022

JAGJIT SINGH ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sumit Saddi, Advocate for
Mr. Bhavnik Mehta, Advocate for the petitioner.
Mr. Amit Shukla, AAG Punjab.
Ms. Rishma Verma, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 54 dated 13.09.2018 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 (Annexure P-2).

On 05.09.2022, the parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 05.09.2022, learned Judicial Magistrate Ist Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“As per record the name of the complainant of the present case is Harneet Kaur and except her there is no other complainant in this FIR. The name of the accused is Jagjit Singh. Except him, there is no other person nominated by the police as accused. As per record, accused persons are neither

involved in any other case nor declared proclaimed offenders in any other criminal case. At present, the case is pending for the consideration on the application U/S 319 of Cr.PC.

Both 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 marriage of the petitioner was solemnized with respondent No.2 on 22.02.2015 and a male child has been born from the wedlock. Though, the names of the relatives of the petitioner were also mentioned in the complaint on the basis whereof FIR has been registered but the FIR has been registered only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 26.07.2018 (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 in the learned Family Court, Jalandhar, wherein, the statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs.7,50,000/- on account of permanent alimony to respondent No.2 and a sum of Rs.3,50,000/- has also been paid and the balance amount of Rs.4,00,000/- is to be paid at the time of recording the statements of the parties at the stage of second motion. The custody of minor child shall remain with the petitioner. The parties shall also withdraw the other respective cases instituted by them.

Learned counsel for respondent No.2 has acknowledged this

fact and has stated that she has no objection if the aforementioned 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 (Annexure P-2). The compromise is without any pressure and is 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***.

Accordingly, the present petition is allowed and FIR No. 54 dated 13.09.2018 under Sections 406/498-A IPC registered at Police Station Women Cell, Jalandhar and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

30.11.2022

Janki

(VIVEK PURI)
JUDGE

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