

CRM-M-33926-2019

Date of decision: 01.09.2022

HARPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Bhupesh Dogra, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Jaspal Singh, 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.76 dated 02.07.2015 under Sections 406/498-A IPC, registered at Police Station Women Cell, Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 12.03.2020, 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 12.03.2020, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“The name of the complainant is Simranjit Kaur. As per the record available with the Court of undersigned, there is only one accused namely Harpreet Singh in the present case who has been arrayed in the FIR and he has appeared and made

the statement in support of the compromise so effected between the parties and no accused is absconding/PO, in the present case.

Presently, the trial is pending at the state of evidence and for arguments on application under Section 319 Cr.P.C moved by the Ld. APP for the State.

On the basis of statements given by the accused and the complainant, this Court is of the considered view that compromise between the parties is genuine and is effected voluntarily without any pressure coercion or undue influence from any quarter.”

Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No.2 on 25.03.2014 and a male child has been born from the wedlock. Although, the names of other family members of the petitioner were also mentioned in the complaint on the basis whereof FIR has been registered but the challan has been presented only against the petitioner. During the course of trial, the application under Section 319 Cr.P.C has also been moved by the prosecutrix but the same is still pending adjudication. Furthermore, the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 10.07.2019 (Annexure P-2). 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 03.10.2019 passed by the Court of learned Family Court, Ludhiana. A sum of Rs. 11,00,000/- has been paid on account of permanent alimony to respondent No.2 and the custody of minor child shall remain with her. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C as well as the execution applications and the petition under the provisions of Protection of Women from Domestic Violence Act. No other case is pending between the parties.

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. 76 dated 02.07.2015 under Sections 406/498-A IPC, registered at Police Station Women Cell, Ludhiana 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.

01.09.2022
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(VIVEK PURI)
JUDGE

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