

CRM-M-40428-2022

Date of decision: 01.12.2022

BALJIT KAUR AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Navjinder Singh Sidhu, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Ankush Chauhan, Advocate for

Mr. Monty Goyal, 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.06 dated 12.02.2019 under Section 498-A IPC, 1860 (Sections 406/120-B IPC added

later on), registered at Police Station NRI Ludhiana, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 06.09.2022, 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 06.09.2022, 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 undersigned has orally asked the accused and complainant about the compromise to which they submitted that the compromise is genuine, voluntary and without any coercion or undue influence. Hence, I am of the considered view that the compromise between the complainant and accused is valid, genuine, voluntary and without any coercion or undue influence. There are only three accused arrayed in the present case namely Baljit Kaur, Bant Singh and Jagwinder Singh. Accused have never been declared proclaimed offender nor they are involved in any other criminal case as per statement of IO ASI Amrik Singh. Now the matter has been compromised between the parties.”

Learned counsel for the petitioners contend that the marriage of petitioner No.3 was solemnized with respondent No.2 on 20.09.2010 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Centre of this Court in terms of settlement/agreement dated 25.03.2022 (Annexure P-2). Petitioner No.3 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein, the statement of the parties at the stage of first motion have been recorded. Petitioner No.3 shall pay a sum of Rs.5,50,000/- on account of permanent alimony to respondent No.2 as per the settlement/agreement. The parties have withdrawn the other respective cases instituted by them 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.06 dated 12.02.2019 under Section 498-A IPC, 1860 (Sections 406/120-B IPC added later on), registered at Police Station NRI Ludhiana, District Police Commissionerate Ludhiana and 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.

01.12.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No