

CRM-M-35107-2019

Date of decision: 30.09.2022

HARPREET SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Raman Kumar, Advocate for
Mr. Naveen Batra, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Rahul Garg, 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.34 dated 16.03.2019 under Sections 498-A/406 IPC, registered at Police Station Nihal Singh Wala, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise.

On 28.09.2019, 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 28.09.2019, learned Sub Divisional Judicial Magistrate, Nihal Singh Wala, District Moga has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“From the statements of the parties as well as their oral examination, undersigned is of the opinion that matter has been amicably settled with accused Harpreet Singh and complainant Amandeep Kaur. The said compromise is genuine, voluntary and without any coercion or undue influence.”

Subsequently, petitioner No.2 was also impleaded as party and in terms of order dated 12.07.2022, the parties were again directed to get the statements recorded in the trial Court and report was sought with regard to the authenticity and genuineness of the compromise. The subsequent report has also been received which is read as under:-

“Statements of complainant Amandeep Kaur and accused Jaswant Kaur have been recorded. The compromise between the parties is genuine, voluntarily 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 15.07.2017 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 at District Court, Moga in terms of settlement/agreement dated 10.07.2019 (Annexure P-2). 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 16.01.2020 passed by the learned Family Court, Moga. A sum of Rs.5,00,000/- has been paid to respondent No.2 on account of permanent alimony. 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.34 dated 16.03.2019 under Sections 498-A/406 IPC, registered at Police Station Nihal Singh Wala, District Moga 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.

30.09.2022
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(VIVEK PURI)
JUDGE

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