

CRM-M-45227-2021

Date of decision: 21.09.2022

AMRITPAL SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sarbjit Singh, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. G.S.Thind, 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.321 dated 10.12.2018 under Sections 406/498-A IPC, registered at Police Station Sultanpur Lodhi, District Kapurthala and all the consequential proceedings arising therefrom, on the basis of compromise.

On 29.10.2021, 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 29.10.2021, learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) Six persons namely Amritpal Singh son of Satnam Singh, Satnam Singh son of Jarnail Singh,

Harwinder Kaur wife of Satnam Singh, Kamaljit Kaur wife of Ranjit Singh, Harjit Kaur wife of Manpreet Singh and Rajwinder Kaur wife of Gurpreet Singh, have been arrayed as accused in the present FIR.

(ii) As per statement of investigating officer, none of the petitioners/accused have been declared proclaimed offender in the present case.

(iii) In the light of statements suffered by both the parties, it appears that parties have effected compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc. in any manner.

(iv) As per statement of investigating officer, none of the petitioners/accused have been involved in any other case.

(v) The report under Section 173 Cr.P.C in the present case has already been presented in the Court and the same is pending for issuance of notice to accused for 11.11.2021. Charge sheet is yet to be framed in the present case against accused.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 29.03.2016 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 08.10.2021 (Annexure P-2). Petitioner No. 1 and respondent No.2 have resumed co-habitation. Respondent No.2 is happily residing in the matrimonial house with petitioner No.1 and his family.

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

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.321 dated 10.12.2018 under Sections 406/498-A IPC, registered at Police Station Sultanpur Lodhi, District Kapurthala 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.

21.09.2022
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(VIVEK PURI)
JUDGE

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