

CRM-M-46290-2021

Date of decision: 07.12.2022

SUKHWINDER SINGH @ SUKHI

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arjun Atri , Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab

VIVEK PURI,J. (ORAL)

Mr. Rahul Pathania, Advocate has put in appearance on behalf of respondent No.2 and filed Vakalatnama, which is taken on record.

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.66 dated 27.08.2018 under Section 498-A IPC, registered at Women Police Station, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise.

On 03.11.2021, 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 03.11.2021, learned Judicial Magistrate 1st Class, Patiala has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

- “(i) As per the statement of Investigating Officer, only Sukhwinder Singh @ Sukhi has been arrayed as accused.*
- (ii) As per the statement of Investigating Officer, neither accused of the present case has been declared as proclaimed offender/person nor any proclamation proceedings are pending against him.*
- (iii) From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.*
- (iv) As per the statement of Investigating Officer as per record of Police Station Women, Patiala accused is not involved in any other case.*
- (v) As per statement of Investigating Officer only Nisha Rani is victim/complainant in the present FIR.”*

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 04.05.2017 but no child has been born from the wedlock. The FIR has been registered at the instance of respondent No.2 though there are allegations with regard to aborting the pregnancy but the FIR under Section 498-A IPC only against the petitioner. The matrimonial dispute has been amicably settled and the compromise dated 18.10.2021 (Annexure P-2) has been effected between the parties. 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 25.04.2022 passed by the learned Family Court, Patiala. A sum of Rs.3,50,000/- 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.66 dated 27.08.2018 under Section 498-A IPC, registered at Women Police Station, District Patiala 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.

07.12.2022

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(VIVEK PURI)
JUDGE

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