

CRM-M-35763-2019

Date of decision: 23.11.2022

PUNEET KUMAR AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. D.V.Mehta, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

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

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.47 dated 13.02.2019 under Sections 406/498-A IPC, registered at Women Police Station, District Police Commissionerate, Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.

On 08.01.2020, 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 08.01.2020, learned Judicial Magistrate 1st Class, Karnal has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

respondent Rashmi W/o Sh. Puneet Kumar and D/o Sh. Mahinderpal, aged about 23 year, R/o House No.41, Main Gali, St. no. 5, Near Banda Bahadur Colony, New Subhash Nagar, P.S. Tibba, Ludhiana, and petitioners/accused namely Puneet Kumar aged about 26 years S/o Surinder Kumar, Surinder Kumar, aged about 56 years S/o Sh. Mela Ram and Sweety aged about 49 years W/o Surinder Kumar, all R/o House No.2616/2, Sector 38-C, Chandigarh, have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Ld. Counsel. So, from the statements of the parties, it appears to the court that the parties have been compromise the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.

As per FIR and report of the concerned Ahlmad as well as statement of the Investigating Officer, there are only three persons i.e. petitioners arrayed as accused.

As per report of Ahlmad and statement of the parties as well as statement of the Investigating Officer, accused have not been declared proclaimed offender.

As per report of Ahlmad as well as statement of the Investigating officer, challan against the accused have not been presented till date.

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 27.01.2018 but no child has been born from the wedlock. Even, the offence under Section 313 IPC has not been incorporated in the instant case. 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 03.09.2020 passed by the learned Family Court, Ludhiana. A sum of Rs.2,00,000/- 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.47 dated 13.02.2019 under Sections 406/498-A IPC, registered at Women Police Station, 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.

23.11.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No