

CRM-M-46817-2021

Date of decision: 29.09.2022

AJAY KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amandeep Singh Sandhu, Advocate for
Ms. Sandeep Kumar Sahota, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Sukhmeet Singh, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

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.120 dated 01.10.2019 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 09.11.2021, 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 09.11.2021, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. Further, it is respectfully submitted as per the statement of Investigating Officer and report of the

concerned Ahlmad, only petitioner is arrayed as accused in the FIR and he has not been declared proclaimed offender nor he involved in any other case.

2. As per the statement of Investigating Officer, only respondent No.2 is victim/complainant in the FIR.

So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free will, voluntarily, without any sort of pressure, coercion and fear.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 08.02.2012 and two daughters have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 10.08.2021 (Annexure P-2). The petitioner and respondent No.2 have resumed co-habitation. Respondent No.2 along with both the minor daughters is happily residing in the matrimonial house with the petitioner.

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.

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.120 dated 01.10.2019 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 petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

29.09.2022
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(VIVEK PURI)
JUDGE

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