

CRM-M-47481-2021

Date of decision: 20.09.2022

AJAY KUMAR AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dheeraj Mahajan, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Vipin Mahajan, 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.113 dated 14.12.2020 under Sections 498-A and 406 IPC, registered at Police Station Purana Shalla, District Gurdaspur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 12.11.2021, 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 12.11.2021, learned Judicial Magistrate 1st Class, Gurdaspur has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

*“Investigation Officer ASI Jagdish Singh No.821/Gsp
Police Station Purana Shalla, has also got recorded his*

statement that the present FIR was registered against two accused i.e. Ajay Kumar S/o Sukhraj and Soma Devi wife of Sukhraj both residents of Village Mashrala Post Office Behrampur Tehsil and District Gurdaspur and none of accused has declared proclaimed offender in the present case.

It is noteworthy to mention here that statements of parties have been recorded on dated 15.12.2021 instead of 13.12.2021 on request of learned counsel for both the parties as the parties were not available on dated 13.12.2021. It is further submitted that Challan has not been presented in the present FIR.

Thus, from the statements of complainant/respondent and petitioners/accused, this Court comes to the conclusion that compromise has been effected inter-se between the parties appearing in the Court and they have entered into the compromise without any pressure.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 in the year 2013 but no child has been born from wedlock. Although, the allegations were also levelled against the brother and father of petitioner No.1 in the complaint submitted by respondent No.2 but FIR has been registered only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 26.10.2021 (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 05.01.2022 passed by the learned Family Court at Gurdaspur. A sum of Rs.11,50,000/- has been paid on account of permanent alimony to respondent No.2. 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

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.113 dated 14.12.2020 under Section 498-A and 406 IPC, registered at Police Station Purana Shalla, District Gurdaspur 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.

20.09.2022
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(VIVEK PURI)
JUDGE

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