

CRM-M-37421-2019

Date of decision: 13.12.2022

SUMIT SALARIA

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ketan Chopra, Advocate for
Mr. Sunil Agnihotri, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Vijay Kumar, Advocate for
Mr. Vishal Munjal, 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.37 dated 26.03.2018 under Sections 406/498-A/323 IPC, registered at Police Station Division No.2, Tehsil and District Pathankot and all the consequential proceedings arising therefrom, on the basis of compromise.

On 13.09.2022, 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 13.09.2022, learned Judicial Magistrate 1st Class, Pathankot has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) It is submitted that there is only one accused/petitioner namely Sumit Salaria arrayed as accused in the FIR.

- (ii) *It is further submitted that no accused is declared as proclaimed offender in this case.*
- (iii) *The compromise appears to be genuine, voluntary and without any coercion or undue influence.*
- (iv) *As per statement of parties, accused is not involved in any other case.*
- (v) *As per statement of Investigating Officer, there is only one victim/complainant namely Neetu Bala in the present FIR. Latter has suffered statement regarding compromise in question.”*

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 22.02.2015 but no child has been born from the wedlock. Initially, the allegations were levelled against the petitioner and five other family members. However, the FIR has been registered only against the petitioner. The matrimonial dispute has been amicably settled in terms of the settlement/compromise (Annexure P-2) in the Mediation and Conciliation Centre of this Court. The petitioner and respondent No.2 have resumed co-habitation. Respondent No.2 is happily residing in the matrimonial home with the petitioner. Respondent No.2 has withdrawn the petition filed under the Protection of Women from Domestic Violence Act and 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.37 dated 26.03.2018 under Sections 406/498-A/323 IPC, registered at Police Station Division No.2, Tehsil and District Pathankot 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.

13.12.2022

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(VIVEK PURI)
JUDGE

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