

CRM-M-43680-2022

Date of decision: 12.12.2022

KULWANT SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankit Kharbanda, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Amandeep Singh, 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.206 dated 11.10.2020 under Sections 498-A/506 IPC, registered at Police Station Raja Sansi, District Amritsar Rural and all the consequential proceedings arising therefrom, on the basis of compromise.

On 21.09.2022, 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 21.09.2022, learned Sub-Divisional Judicial Magistrate, Ajnala has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1) In the present case there are three accused person namely Kulwant Singh son of Virsa Singh, Gurmeet Kaur wife of Virsa Singh and Sukhbir Kaur wife of Joga Singh

detailed above arrayed as accused in FIR.

2) *In the present case, the accused persons have not been declared as proclaimed offender as per the statement of IO and accused.*

3) *As per the statement of the parties, the compromise is genuine, voluntary and without any coercion or undue influence.*

4) *The accused persons are not involved in any other case **except the accused Kulwant Singh son of Virsa Singh, in FIR no.81, dated 11.07.2022, under Sections 302/201/506 of IPC, P.S. Bhindi Saidam, Tehsil Ajnala, District Amritsar, as per the statement of IO and accused Kulwant Singh.***

5) *Statement of the IO had been recorded and as per his statement there is one victim/complainant namely Pawanjit Kaur alias Pawandeep Kaur wife of Kulwant Singh.*

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 about 03 years prior to the registration of the FIR and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner No.1 and respondent No.2 have resumed co-habitation. The respondent No.2 along with the minor child is happily residing with petitioner No.1 in the matrimonial dispute.

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.206 dated 11.10.2020 under Sections 498-A/506 IPC, registered at Police Station Raja Sansi, District Amritsar Rural 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.

12.12.2022

*renubala***(VIVEK PURI)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No