

- 1 -

Date of Decision: 10.11.2022

2.	CRM-M-38007-2022 (O&M)
GURMAIL SINGH AND ANOTHER	... PETITIONERS
V/S	
STATE OF PUNJAB AND OTHERS	... RESPONDENTS

Present: Mr. T.S.Chandok, Advocate for the petitioner
in CRM-M-53167-2021 and for respondent No.3
in CRM-M-38007-2022.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr.Ravinder Singh, Advocate for
Mr. Inder Mangat, Advocate for respondent No.2.
Mr. N.S. Swaitch, Advocate for the petitioners
in CRM-M-38007-2022 and for respondent Nos.3 and 4
in CRM-M-53167-2021.
* * *

This order shall dispose of CRM-M-53167-2021 and CRM-M-38007-2022.

This is an application for placing on record the amended memo of parties.

By recording no objection from the counsel opposite, the amended memo of parties is allowed to be taken on record, subject to all just exceptions.

Registry is directed to tag the same at the appropriate place.

Disposed of.

Main case

Present petitions under Section 482 Cr.P.C. are for quashing of FIR No. 24 dated 20.08.2019, under Sections 406/498-A IPC, 1860, registered at Police Station Women Cell, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

In terms of the order dated 28.03.2022 passed in CRM-M-53167-2021, the parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 28.03.2022, learned Judicial Magistrate Ist Class, SAS Nagar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1. As per the statement of IO, Shyam Singh No. 108/SAS Nagar, Posted at PS Women Cell, SAS Nagar, there are three accused persons namely Kultaj Singh, Roop Kaur and Gurmail Singh.

2. As per the statement of IO, Shyam Singh No. 108/SAS Nagar, Posted at PS Women Cell, SAS Nagar, none of the accused have been declared proclaimed offender.

3. As per those statements of the parties to the case, this court is of the considered view and has acquired its satisfaction that the parties have arrived at a compromise with their free consent and voluntarily and genuinely.

4. As per the statement of IO, Shyam Singh No. 108/SAS Nagar, Posted at PS Women Cell, SAS Nagar, that there is no other criminal case pending

against the above said accused in PS Women Cell, Mohali.

5. As per the statement of IO, Shyam Singh No. 108/SAS Nagar, Posted at PS Women Cell, SAS Nagar, that there is only one complainant namely Parwinder Kaur in this FIR.”

It may be mentioned here that at the time of submission of report in CRM-M-53167-2021, the statements of respondent Nos. 3 and 4 who have instituted a separate petition bearing CRM-M-38007-2022 for quashing the same FIR has also been recorded.

Learned counsel for the petitioners contend that the name of the petitioners and their other relatives were mentioned in the complaint submitted by respondent No.2 but the FIR has been registered only against the petitioners. The marriage of Kultaj Singh, petitioner was solemnized with respondent No.2 on 21.03.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 19.11.2019, Annexure P-2. The marriage of Kultaj Singh, petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 27.07.2022 passed by the Court of learned Addl. Sessions Judge, Family Court, SAS Nagar (Mohali) camp at Kharar. A sum of Rs. 20 Lakhs 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 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

After hearing 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 (Annexure P-2). The compromise is without any pressure and is 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***.

Accordingly, the present petitions are allowed and FIR No. 24 dated 20.08.2019, under Sections 406/498-A IPC, 1860, registered at Police Station Women Cell, District SAS Nagar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

10.11.2022
Janki

(VIVEK PURI)
JUDGE

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