

CRM-M-51997-2021
Date of Decision: 11.10.2022

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Ms. Mukta, Advocate for
Mr. Saurabh Chaubey, Advocate
for respondent No.2.

Through instant petition, the petitioner is seeking to quash the FIR No.8 dated 18.09.2021 under Sections 498-A and 406 IPC registered at Police Station NRI, District Hoshiarpur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 25.07.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 25.07.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Hoshiarpur, has sent the report and the relevant portion whereof reads as under:-

“Complainant Paramjot Kaur daughter of Jasbir Singh has appeared in this Court and made statement that she has voluntarily reached compromise with accused namely Pardeep Singh without any pressure. She further stated that she has effected the compromise with the accused out of free

will and without any pressure, coercion, from any side. She has no objection if FIR in question is quashed qua Pardeep Singh. The copy of passport is Ex.C-1.

Statement of accused namely Pardeep Singh has also been recorded. He stated that compromise has been effected with complainant Paramjot Kaur and the compromise has been effected with free will, voluntarily and without any pressure and therefore, the present FIR be quashed. The copy of Adhar Card is Ex.C-2.

The Hon'ble High Court has further directed the undersigned to report with regard to the number of accused, whether any accused is proclaimed offender, whether the accused are involved in any case and number of victim/complainant. With regard to this, the undersigned recorded the statement of ASK Krishan Lal, No.980/HPR (Investigating Officer). He stated that there is only one accused in the FIR but the complaint was moved against three persons namely Pardeep Singh, Joga Singh and Kuldeep Kaur. During inquiry Joga Singh and Kuldeep Kaur were declared innocent and the challan was presented against accused Pardeep Singh U/S 498 and 406 of IPC. Except Pardeep Singh there is no other accused. The accused has not been declared proclaimed offender and no criminal case is pending against the accused. There is only one complainant Paramjit Kaur and except Paramjit Kaur there is no victim. From the statement of IO it emerges that there is only one accused Pardeep Singh and one complainant/victim Paramjot Kaur. The accused Pardeep Singh is not proclaimed offender and no criminal case is pending against accused Pardeep Singh.

The copy of passport of complainant

Paramjot Kaur is Ex.C-1. The copy of Aadhar Card of accused Pardeep Singh is Ex.C-2. The complainant was identified by his counsel Sh, Vaneesh Rai, Advocate and the accused was identified by her counsel Ms. Sunita Rani, Advocate.

In view of the statement so made by complainant/victim Paramjot Kaur, I am of the considered opinion that parties have entered into compromise voluntarily and without any threat, coercion or pressure and their compromise is genuine one and complainant has made her statement in the Court voluntarily and without any pressure. The complainant has no objection if the FIR is quashed against accused Pardeep Kumar.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 25.11.2015 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. The marriage of 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 29.07.2022 passed by the Court of learned Additional Principal Judge, Family Court, Hoshiarpur. A sum of Rs.6,50,000/- has been paid to respondent No.2 on account of permanent alimony and no other case is pending between the parties.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she has no objection if the 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. 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.8 dated 18.09.2021 under Sections 498-A and 406 IPC registered at Police Station NRI, District Hoshiarpur and all the subsequent 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.

11.10.2022

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No