

VIKAS DUGGAL @ VICKY AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Varinder Basa, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Bikramjit Singh Randhawa, Advocate for
Mr. Yaseen Sethi, 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. 62 dated 12.09.2016 under Sections 498-A/406/506 IPC, 1860, registered at Police Station Dera Baba Nanak, District Batala, Gurdaspur, Punjab and all the consequential proceedings arising therefrom, on the basis of compromise.

On 01.02.2022, 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 01.02.2022, learned Judicial Magistrate 1st Class, Batala has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

- “(i) *There are two persons arraigned as accused in the present FIR namely, Vikas Duggal @ Vicky s/o Dharampal Duggal @ Dharampal, resident of Tandon Nagar, Batala Road, P.S.Sadar, Amritsar, District Amritsar, as per Aadhar card, r/o Sadarpur (544), Kangra, Himachal Pradesh and Kiran Bala wife of Dharampal Duggal @ Dharampal, r/o Tandon Nagar, Batala Road, P.S.Sadar, Amritsar, District Amritsar, as per Aadhar card, 1732/Old 88, Gali No.6, near Gurudwara Guru Teg Bahadur, Tandon Nagar, Amritsar-1, Amritsar.*
- (ii) *None of the accused has been declared as proclaimed offender.*
- (iii) *After considering the statements of the parties as well as IO, this Court is of the view that the compromise between the parties is genuine, voluntary and without any coercion and undue influence.*
- (iv) *The accused persons are not involved in any other case, except the present case.*
- (v) *There is one person arraigned as victim/complainant in the present FIR namely, Poonam Sharma @ Poonam Kumari d/o Nand Kishore Sharma @ Nand Kishore, r/o Gali Arya Samaj Mandir, Tehsil Dera Baba Nanak, District Gurdaspur.”*

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 07.06.2021 (Annexure P-2). The marriage between 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 29.04.2022 passed by the Court of learned Additional Principal Judge, Family Court, Gurdaspur. No other case is pending between the parties.

Learned counsel appearing on behalf of 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

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. 62 dated 12.09.2016 under Sections 498-A/406/506 IPC, 1860, registered at Police Station Dera Baba Nanak, District Batala, Gurdaspur 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.

26.05.2022
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(VIVEK PURI)
JUDGE

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