

RAJDEEP SINGH BHAGANIA AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Rajesh Bhatheja, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Ms. Palika, Advocate for the complainant.

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. 132 dated 21.12.2019 under Sections 498-A IPC, 1860, registered at Police Station City Ajitwal, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise.

On 15.12.2021, 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 15.12.2021, learned Judicial Magistrate 1st Class, Moga has recorded the statements of the parties and submitted her report, the relevant para whereof reads as under:-

recorded by this Court, this court is of the considered view that compromise entered into by the parties is genuine and matter has been amicably settled with the intervention of respectables and compromise is for the welfare of both the parties. It is further intimated that no accused has been declared as Proclaimed Offender/Person. It is further intimated that present trial was at the stage of prosecution evidence when the accused persons preferred the above said petition before the Hon'ble High Court. It is further intimated that no other criminal case is pending between the parties except the present one. ”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 02.11.2021(Annexure P-2). The marriage of 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/decreed dated 05.05.2022. A sum of Rs. 10,50,000/- has been paid on account of permanent alimony to respondent No.2. No other case is pending between the parties.

Learned counsel for respondent No.2 states that she 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. 132 dated 21.12.2019 under Sections 498-A IPC, 1860, registered at Police Station City Ajitwal, District Moga 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.

23.05.2022
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(VIVEK PURI)
JUDGE

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