

CRM-M-53192-2021

Date of decision: 22.03.2022

OM PARKASH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. H.S.Jalal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Navjit Singh, Advocate for respondent Nos.2 and 3.

VIVEK PURI,J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 10 dated 27.03.2019 under Sections 498-A/323 IPC, 1860 registered at Women Police Station, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise.

On 21.12.2021, 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 21.12.2021, learned Judicial Magistrate 1st Class, Bathinda has recorded the statements of the parties and submitted its report dated 01.02.2022, the relevant para whereof reads as under:-

“ In view of statements given by the parties and ASI Saparan Singh following report is hereby submitted as desired by your’s goodself:-

1. It is respectfully submitted that there is only one accused named Om Parkash in the present FIR no.10 dated 27.03.2019 under Sections 498A/323 Indian Penal Code, Police Station Women Cell.

2. It is further submitted that as per record, no accused has been declared proclaimed offender.

3. In view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter.

4. As per record and statement of investigating officer, the accused has not been involved in any other case.

5. As per record and statement of investigating officer, there are two complainants namely Rajpal and Babita.

This report along with statements of parties i.e. complainants Rajpal and Babita, accused Om Parkash and Investigating Officer ASI Saparan Singh are submitted, as desired by the Hon’ble High Court vide its order dated 21.1.2021. ”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicable settled between the parties. The marriage between the parties has been dissolved by a decree of divorce by mutual consent in terms of judgment/decreed dated 01.11.2021 passed by the Court of Principal Judge, Family Court, Bathinda. At the earlier instance, the petition for quashing on the basis of compromise was instituted as the parties were contemplating to reside together but the compromise could not materialize. Consequently, the earlier petition was dismissed as withdrawn in terms of order dated 04.03.2020 passed in CRM-M-22014-2019. The entire amount of permanent alimony and articles of Istri Dhan have been handed over to respondent No.2.

Learned counsel for respondent No.2 has stated 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. 10 dated 27.03.2019 under Sections 498-A/323 IPC, 1860 registered at Women Police Station, District Bathinda and all the consequential 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.

22.03.2022
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(VIVEK PURI)
JUDGE

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