

LAKHWINDER SINGH KOHLI AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Balwinder Singh, 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. 223 dated 17.10.2013 under Sections 498-A/406 IPC, 1860, registered at Police Station Mataur, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 25.11.2019, 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 25.11.2019, learned Judicial Magistrate 1st Class, SAS Nagar (Mohali) has recorded the statements of the

parties and submitted his report, the relevant para whereof reads as under:-

- “i As per record three persons arrayed as accused in FIR;*
- ii As per record available with the undersigned no accused has been declared ‘Proclaimed Offender’;*
- iii The case was at the stage of consideration on charge.*
- iv The compromise effected between the parties is genuine, voluntarily and without any pressure or undue influence.”*

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 13.07.2019 (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. The custody of two daughters shall remain with respondent No.2. A sum of Rs. 7,50,000/- 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 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 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.

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. 223 dated 17.10.2013 under Sections 498-A/406 IPC, 1860, registered at Police Station Mataur, District SAS Nagar 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