

CRM-M-52159-2019

Date of decision: 08.12.2022

HARJIT SINGH AND ANR.

..PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karan Singh Brar, Advocate for
Mr. Harpal Sinngh Taragarh, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Sohrab Dhanda, 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.58 dated 09.10.2016 under Sections 498-A/406 IPC, registered at Women Police Station, District Amritsar City and all the consequential proceedings arising therefrom, on the basis of compromise.

On 07.12.2019, 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 07.12.2019, learned Judicial Magistrate 1st Class, Amritsar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“The challan of this case was presented against accused Harjit Singh and Gian Kaur and charge in this case has

already been framed against them. During the prosecution evidence, an application under Section 319 Cr.P.C filed on behalf of prosecution, which is pending consideration for 05.02.2020. Both accused are appearing in the Court. No accused has been declared as proclaimed offender.

On the basis of the statements suffered by the parties, it appears that the compromise is genuine, voluntary without any threat or coercion. The parties were identified by the learned counsel for the parties. As per report under Section 173 Cr.P.C, two accused are involved in this case. No accused has been declared as proclaimed offender. The trial of the case is going on, which is fixed for consideration on application under Section 319 Cr.P.C filed on behalf of prosecution for 05.02.2020.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 25.03.2015 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 29.09.2019 (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 in terms of judgment and decree dated 12.11.2021 passed by the learned Family Court, Amritsar. A sum of Rs.4,60,000/- has been paid to respondent No.2 on account of permanent alimony. The custody of minor child shall remain with respondent No.2. 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.

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.58 dated 09.10.2016 under Sections 498-A/406 IPC, registered at Women Police Station, District Amritsar City 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.

08.12.2022

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(VIVEK PURI)
JUDGE

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