

RIJJUAL RASWAN

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sidhant Tyagi, Advocate for
Mr. M.S. Hundal, Advocate
for the petitioner.

Mr. V. G. Jauhar, Sr. DAG, Punjab.

Mr. M.S. Chauhan, Advocate
for respondent No.2.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

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. 58 dated 09.09.2018 under Sections 406/498-A IPC, 1860 registered at Police Station Division No.1 Pathankot and all the consequential proceedings arising therefrom, on the basis of compromise.

On 23.01.2020, 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 23.01.2020, learned Additional Chief

submitted its report dated 28.02.2020, the relevant para whereof reads as under:-

“ It is respectfully submitted that vide order dated 23.01.2020 of Hon’ble Punjab and Haryana High Court passed in CRM-M-53504-2019, the parties were directed to appear before the trial Court/Illaq Magistrate on 20.02.2020 for getting their statements recorded with regard to compromise. The trial Court/Illaq Magistrate was directed to submit the report regarding the genuineness of the compromise and whether any PO proceedings are pending against any of the party.

In accordance with the directions, on 20.02.2020 the complainant Shruti Saini and accused Rijjwal Raswan appeared in the Court alongwith their respective counsel. Complainant got recorded her statement that with the intervention of respectable she has entered into compromise with the accused with her free consent and without any pressure. Similar statement of accused Rijjwal Raswan was recorded. Complainant was also orally examined by the Court and from her examination, this Court is of considered opinion that parties have entered into genuine compromise without any coercion or pressure.

As per the judicial record, FIR in question was registered only against accused Rijjwal Raswan and police report was also produced against him only. At present Rijjwal Raswan is facing trial and thus from the record it appears that no proclamation proceedings are pending against any party. ”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicable settled between the parties. 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. The entire amount of permanent alimony has also been paid 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. 58 dated 09.09.2018 under Sections 406/498-A IPC, 1860 registered at Police Station Division No.1 Pathankot 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.

25.03.2022
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(VIVEK PURI)
JUDGE

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