

CRM-M-54154-2019

Date of decision: 30.09.2022

DHARMINDER SINGH AND ANR.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Monu Khan, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI,J. (ORAL)

Mr. C.S.Jattana, Advocate has put in appearance on behalf of respondent No.2 and filed power of attorney, which is taken on record.

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.122 dated 16.09.2019 under Sections 406/498-A IPC, registered at Police Station Chamkaur Sahib, District Rupnagar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 18.12.2019, 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 18.12.2019, learned Judicial Magistrate 1st Class, Rupnagar has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“Complainant Jasveer Kaur has deposed that above FIR was registered on her application against accused Dharminder Singh and Raghbir Singh. In present case, compromise has been effected with her free consent and

without any pressure with above accused. She has not objection if above FIR against above accused is quashed by Hon'ble High Court.

Accused Dharminder Singh and Raghbir Singh have deposed that they have compromised with complainant Jasveer Kaur in present FIR with their free consent and will.

It is further respectfully submitted that as per statement of ASI Sohan Lal investigation officer two accused namely only Dharminder Singh and Raghuvir Singh has been arrayed in this case and there is one complainant namely Jasveer Kaur. None of the accused has been declared proclaimed offender.

After going through the statements of the parties, it appears that compromise effected between them is genuine, voluntary and without any coercion or undue influence from any side."

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 09.12.2015 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Centre at Rupnagar in terms of settlement/agreement dated 01.11.2019 (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 18.06.2020 passed by the learned Family Court, Rupnagar. A sum of Rs.2,00,000/- has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has also received the articles of *Istri Dhan*. The custody of minor child shall remain with respondent No.2. No other case is pending between the parties.

Learned State counsel has submitted that in the instant case, untraced report has been prepared and the same has not yet been submitted before the learned Illaqa Magistrate.

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.122 dated 16.09.2019 under Sections 406/498-A IPC, registered at Police Station Chamkaur Sahib, District Rupnagar 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.

30.09.2022
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(VIVEK PURI)
JUDGE

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