

271 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3019-2023 (O&M)

Date of Decision: 24.08.2023

DR. JAGPAL SINGH NALWA & OTHERS
V/S

... PETITIONERS

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sidhant Vermani, Advocate for the petitioners.
Ms. Ruchika Sabherwal, DAG Punjab.
Ms. Sunaina, Advocate for
Mr. Kanwaljeet Singh, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 29 dated 22.04.2015 registered under Sections 406, 498-A, 354-C IPC at Police Station Women, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 20.01.2023, the parties were directed to appear before the Trial Court 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 of the compromise.
3. In compliance of the order dated 20.01.2023, learned Judicial Magistrate First Class, Amritsar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“I am satisfied that compromise is genuine and has been effected between the parties voluntarily, without any coercion or undue influence. It is further submitted that as per the statement of investigating officer SI Rajak Singh No.2037/ASR, Police Station Women-II, Amritsar, he is the investigating officer of the present case. There are three accused involved in the present case namely Jagpal Singh Nalwa, Surekha

Nalwa and Navtej Singh Nalwa. Accused have never been declared proclaimed offender in the present case. Accused are not involved in any other case, except the present case.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 20.04.2008 and three sons have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of Settlement/compromise (Annexure P-2) in the the Mediation and Conciliation Center of this Court. 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 the judgment and decree dated 19.05.2023 passed by the learned Family Court, Amritsar. A sum of Rs. 25,00,000/- has been paid by petitioner No.1 to respondent No.2 on account of permanent alimony. She has received all her articles of *Istridhan* and nothing is due payable to her by the petitioners. The custody of the minor son Medhansh shall remain with respondent No.2 and the custody of 2 other sons namely Bhavya and Mehan shall remain with petitioner No.1. No other case is pending between the parties. Petitioner Nos. 2 and 3 had earlier instituted a petition bearing CRM-M-31569-2015 for quashing of the FIR on merits but the same has since been withdrawn.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that she has no objection if the aforementioned FIR is quashed.

6. After hearing 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 (Annexure P-2). The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

7. 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.

8. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

9. Accordingly, the present petition is allowed and FIR No. 29 dated 22.04.2015 registered under Sections 406, 498-A, 354-C IPC at Police Station Women, District Amritsar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

24.08.2023

Janki

(VIVEK PURI)
JUDGE

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