

Date of decision: 20.09.2023

...PETITIONER

...RESPONDENTS

RENU BALA **compro**
2023.09.20 17:07
I attest to the accuracy and
integrity of this document

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4. In compliance of the order dated 19.07.2023, learned Judicial Magistrate 1st Class, Bathinda has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. It is respectfully submitted that there is one accused namely Deepak Sharma in the present FIR.

2. As per record, no accused has been declared as proclaimed offender.

3. It is further submitted that in view of statements given by the parties, this Court is of the considered opinion that compromise effected between the parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter.

4. As per record, accused is not involved in any other case.

5. Statement of Investigating officer is recorded and there is one victim/complainant namely Dr. Manveer Sharma in the present FIR.”

5. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and his other family members in the complaint but the FIR has been registered only against the petitioner. The marriage of petitioner and respondent No.2 was solemnized on 27.09.2022 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. They have moved a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court at Bathinda. An application under Section 14(1) (2) of Hindu Marriage Act for permission to the parties to present the petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent before the expiry of period of one year has also been allowed in terms of order dated 27.03.2023 passed by the learned Family Court, Bathinda. The petitioner shall pay a sum of Rs.4,00,000/- to respondent No.2 in full and final settlement of her claim for permanent alimony. The statements of the parties at the stage of first motion have been recorded. A sum of Rs.2,00,000/- has already been paid and the

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balance amount of Rs. 2,00,000/- shall be paid when the statements of the parties recorded at the stage of second motion. Respondent No.2 has received all her articles of Istri Dhan and nothing is due payable to her by the petitioner and no other case is pending between the parties.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

7. 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.

8. 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.

9. 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***.

10. 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.07 dated 19.01.2023 under Sections 498-A/406 IPC, 1860 registered at Women Police Station, District Bathinda and all the consequential proceedings

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arising therefrom, are ordered to be quashed, however, qua the petitioner only.

11. Resultantly, with the above-said observations made, the instant petition stands allowed.

20.09.2023

renubala

(VIVEK PURI)
JUDGE

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