

CRM-M-34810-2023
Date of Decision: 18.12.2023

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Ms. Meena, Advocate for
Mr. P.S.Kanwar, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner seeks to quash the FIR No.0068 dated 07.09.2021 under Section 498-A IPC registered at Police Station Harike, District Tarn Taran and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 01.09.2023, the parties were directed to get their statements recorded before the learned trial Court/Illaq Magistrate.
3. In compliance of the order dated 01.09.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Patti has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1) As per the statements of ASI Tarsem Singh only Harmanjit Singh son of Kashmir Singh is arraigned as an accused in the present case. Statement of Power of Attorney Holder of petitioner/accused Harmanjit Singh recorded qua the compromise.

2) As per the statement of ASI Tarsem Singh

no accused declared proclaimed offender/proclaimed person in this case.

3) As per the statement of ASI Tarsem Singh there is only one complainant namely Neelam Kaur daughter of Charanjit Singh in the present case. Statement of complainant/ respondent no.2 namely Neelam Kaur recorded quathe compromise

4) As per the statement of ASI Tarsem Singh report under section 173(2) not presented in the Court till date.

5) The compromise made by the parties seems to be genuine, voluntary and without any coercion or undue influence;

6) As per the statement of ASI Tarsem Singh no other criminal case is pending against the accused.”

4. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and other family members but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 22.01.2021 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 05.10.2023 passed by the learned Family Court, Tarn Taran. A sum of Rs.2,70,000/- has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of istridhan and nothing else is due payable to her by the petitioner. No other case is pending between the parties.

5. Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she has no objection if the 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. 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.

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. 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.0068 dated 07.09.2021 under Section 498-A IPC registered at Police Station Harike, District Tarn Taran and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

18.12.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No