

CRM-M-41762-2023
Date of Decision: 08.11.2023

RAMNEEK SINGH ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rishabh Singla, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. B.D.Sharma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash FIR No.22 dated 04.03.2023 under Section 498-A IPC registered at Police Station Women Cell, District Jalandhar and all the consequent proceeding arising therefrom on the basis of compromise.
2. On 23.08.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 23.08.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jalandhar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“As per record the name of the complainant of the present case is Jasleen and except her there is no other complainant in this FIR. The name of the accused person is Ramneek Singh. Except him, there are no other person nominated by the police as accused. As per record, accused person is neither involved in any other case in Jalandhar nor declared proclaimed offender in any other criminal case in Jalandhar. At present, the case is pending for consideration on the charge.

Both parties have compromised the matter.

There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one."

4. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and his parents, who were found to be innocent and the FIR has been registered only against the petitioner. It was the 2nd marriage of the petitioner as well as respondent No.2. A son was born to the petitioner from his first marriage and a daughter was born to respondent No.2 from her earlier marriage. However, no child has been born from the wedlock of the petitioner with respondent No.2. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner shall pay a sum of Rs.2,00,000/- to respondent No.2 on account of permanent alimony. The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, Jalandhar wherein the statements of the parties at the stage of first motion have been recorded. A sum of Rs. 1,00,000/- has already been paid to respondent No.2 and the balance amount of Rs. 1,00,000/- shall be paid when the statements of the parties at the stage of 2nd motion shall be recorded. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he 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

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.22 dated 04.03.2023 under Section 498-A IPC registered at Police Station Women Cell, District Jalandhar and all the consequent proceeding 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.

08.11.2023
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(VIVEK PURI)
JUDGE

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