

NAVJOT KAUR AND OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. H.S.Sidhu, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. A.S.Khosa, 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. 73 dated 20.10.2021, under Sections 313/120-B IPC, 1860 registered at Police Station Kacha Pacca, District Tarn Taran and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 28.08.2023, 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 28.08.2023, learned Addl. District & Sessions Judge, Tarn Taran has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1) As per FIR No. 73 dated 20.10.2021, under section 313, 120-B IPC, P.S.Kucha Pucca, Navjot Kaur, Sukhwinder Kaur, Gurjant Singh and Malkeet Singh have been arrayed as accused.

2) None of the accused as referred above is a proclaimed offender.

3) From the statement of petitioners Novjot Kaur, Sukhwinder Kaur, Gurjant Singh, Malkeet Singh and complainant Lovejeet Singh, it seems that the compromise effected between the above said persons is genuine, voluntary and without any coercion or undue influence.

4) As per statement of SI Amrik Singh, the accused persons are not involved in any other case.

5) As per the statement of SI Jagdeep Singh, Investigating Officer, the complainant Lovejeet Singh is the only victim in the present FIR.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 24.01.2021. The present FIR has been registered on account of marital discord between the parties on the allegations that petitioner No.1 had conceived and the pregnancy was terminated without taking the concurrence of respondent No.2. The dispute has been amicably settled between the parties in terms of compromise dated 19.08.2023 (Annexure P-2). Petitioner No.1 and respondent No.2 have resumed co-habitation. Petitioner No.1 is happily residing in the matrimonial house with respondent No.2

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he 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. 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. 73 dated 20.10.2021, under Sections 313/120-B IPC, 1860 registered at Police Station Kacha Pacca, District Tarn Taran and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

23.11.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No