

CRM-M-46146-2023
Date of decision: 15.12.2023

...PETITIONER

...RESPONDENTS

4. In compliance of the order dated 17.10.2023, learned Judicial Magistrate 1st Class, Camp Court, Dhuri has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(1) Number of persons arrayed as accused in FIR;

As per the statement of complainant and IO ASI Chatar Singh No. 73/Sgr, only one person namely Veerkaram Singh Dhaliwal is arrayed as accused in the present FIR.

(2) Whether any accused is proclaimed offender;

As per the statement of IO ASI Chatar Singh No. 73/Sgr, accused has not been declared proclaimed offender in the said FIR by any Court.

(3) Whether the compromise is genuine, voluntary and without any coercion or undue influence;

From the statements of the parties recorded, it appears that the said compromise is genuine and has been effected voluntarily without any force, coercion or undue influence and out of free will of the parties.

(4) Whether the accused persons are involved in any other FIR or not?

As per the statement of IO and accused, no other FIR is pending against the accused.

As per the statement of complainant and accused, no other complaint or case is pending between the parties in any other Court of law.

(5) How many victims/complainants are there in the FIR?

As per the statement of IO ASI Chatar Singh No. 73/Sgr,, there is only one victim/complainant namely Taranpreet Kaur in the present FIR.”

5. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and other relatives but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 09.07.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at 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 Hindu Marriage Act in terms of judgment and decree dated 06.12.2023 passed by the learned Family Court, Sangrur. A sum of Rs.13,00,000/- has been paid on account of permanent alimony to respondent

CRM-M-46146-2023**-3-**

due payable to her. Respondent No.2 has withdrawn the application under Section 319 Cr.P.C instituted for summoning the other family members of the petitioner as additional accused. 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.091 dated 21.07.2021 under Section 498-A IPC, registered at Police Station City Dhuri, District Sangrur and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

CRM-M-46146-2023

-4-

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

15.12.2023

renubala

(VIVEK PURI)
JUDGE

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