

SUPINDER SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioners.

Mr. Harsimar Singh Sitta, DAG, Punjab.

Mr. Sanjeev Kumar, Advocate for
Mr. Kohalpreet Singh, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.68 dated 20.09.2019 under Sections 498-A/34 IPC, registered at Police Station Talwara, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 17.10.2023, parties were directed to appear before the Trial Court/Illaqa Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 17.10.2023, learned Sub Divisional Judicial Magistrate, Mukerian has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. It is submitted that initially instant FIR was registered only against accused/petitioner no.1 Supinder Singh. Subsequently, vide order dated 14.07.2022 passed in an application under Section 319 of Cr.P.C, the accused/petitioners no.1 to 4 have been summoned as additional accused of face trial in the instant case.

2. It is submitted that as per the statement of IO, ASI Satnam Singh and perusal of file, none of the accused have been declared as proclaimed person/offender in this case.

3. In view of the statements recorded of the parties, the undersigned is of the view that compromise between the accused/petitioners no.1 to 4 and complainant/respondent No.2 is genuine, voluntary and without any coercion or pressure.

4. It is submitted that as per the statement of IO, ASI Satnam Singh, accused/petitioners are not involved in any other criminal case.

5. It is submitted that as per the statement of IO, ASI Satnam Singh, there is only one victim/complainant in this case namely complainant/respondent No.2 Surinder Kaur detailed as above.”

5. Learned counsel for the petitioners contends that the marriage of petitioner No.1 was solemnized with respondent No.2 about two years prior to the registration of the FIR and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The marriage of petitioner No.1 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 12.09.2023 passed by the learned Family Court, Gurdaspur. A sum of Rs.3,50,000/- 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(s). The custody of minor child will remain with respondent No.2. No other case is pending between the parties.

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

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.68 dated 20.09.2019 under Sections 498-A/34 IPC, registered at Police Station Talwara, District Hoshiarpur and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.
11. 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