

Renu Bala
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I attest to the accuracy and
integrity of this document

arrayed as accused in the present FIR, this Court has recorded the statement of HC Paramjit Singh, No.1542/Patiala, posted at P.S.Women, Patiala. As per his statement, in the present case as per the FIR No.34 dated 31.05.2021 under sections 406, 498A and 201 IPC, P.S.Women Cell, Patiala, Ashwani Kumar, Veena Goyal and Archana Rani have been arrayed as accused.

2. Whether any accused is proclaimed offender;

As per statement of HC Paramjit Singh, No.1542/Patiala, posted at P.S.Women, Patiala, accused Ashwani Kumar, Veena Goyal and Archana Rani have not been declared as proclaimed offender in this case or any other criminal case.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Yes, the compromise arrived between the parties is genuine, voluntary and made out of free will of the parties.

Complainant Geeta Rani wife of Ashwani Kumar daughter of Sham Lal appeared and suffered separate statement. Accused Veena Goyal and Archana Rani appeared but accused Ashwani Kumar who is residing abroad not present and on whose behalf Veena Goyal as Special Power of Attorney appeared and suffered separate joint statement. Complainant as well as accused have suffered statements to the effect that they have compromised the matter with each other without their being any pressure, coercion or undue influence. As per the statement of complainant Geeta Rani and accused Veena Goyal on her behalf as well as being special power of attorney on behalf of accused Ashwani Kumar and Archana Rani, compromise is genuine one, voluntarily and without any coercion.

From the statements of the parties, this Court is of the opinion that matter has been amicably settled between the petitioner/accused namely Ashwani Kumar(through special power of attorney Veena Goyal), Veena Goyal and complainant Geeta Rani. The said compromise is genuine, voluntary and is without any coercion or undue influence.

4. Whether the accused persons are involved in any other case or not?

As per statement of HC Paramjit Singh, No.1542/Patiala,, no other criminal case/FIR is pending against accused Ashwani Kumar, Veena Goyal and

Archana Rani.

5. The trial court is also directed to record the statement of investigating officer as to how many victims/complainant are there in the FIR.

As per statement of IO, there is no other victim/complainant aggrieved party in the present FIR except respondent/complainant Geeta Rani daughter of Sham Lal.”

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners and four others but the FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 11.03.2020, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner No.1 shall pay a sum of Rs.18,25,000/- to respondent No.2 on account of permanent alimony. Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court at Patiala, wherein statements of the parties at the stage of first motion have been recorded. A sum of Rs.10 lac has already been paid and the balance amount of Rs.8,25,000/- has been handed over to Veena Rani, the Mediator, and the FDR for the said amount will be handed over to respondent No.2 when the statements of the parties is recorded at the stage of second motion. Respondent No.2 has received all her articles of istrydhan and nothing else is due payable to her by the petitioner(s). 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.34 dated 31.05.2021 under Sections 406/498-A IPC, registered at Women Police Station, District Patiala 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.

15.12.2023

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(VIVEK PURI)
JUDGE

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