

**CRM-M-10259 of 2011 (O&M)**  
**Date of Decision: 20.04.2015**

**..... Petitioners**

## ..... Respondents

*“I am major. I myself accompanied Balraj, son of Jagir Singh and performed my marriage with him without any kind of coercion or pressure. After solemnization of the marriage, I am happily residing in my matrimonial home with my husband Balraj Singh. Complainant-respondent No.2 Raj Kumar is my father. He has lodged the present false case against my husband Balraj Singh, his father Jagir Singh son of*

*Dalip Singh (petitioner No.1), Tavinder Singh son of Jagir Singh, brother-in-law (Jeth) (petitioner No.2) and Rajinder Kaur, sister-in-law (Nnand) (petitioner No.3) in order to wreak-vengeance. The accused had neither allured nor kidnapped me. I am still happily with my husband Balraj Singh in my matrimonial home.”*

At the time of registration of aforesaid FIR by respondent No.2, Balraj Singh was in custody and that is why he could not be arrayed as one of the petitioner. Balraj Singh has already joined the investigation. Amandeep Kaur is also present in Court who has also been identified by ASI Harjit Singh. She further states that she is happily living with her husband-Balraj Singh in her matrimonial house and has been blessed with a son who is aged one year two months. She has no objection in case FIR in question is quashed against the in-laws family. Raj Kumar-respondent No.2 (father of Amandeep Kaur) also endorsed the same fact that he has no objection in case FIR in question registered against the petitioners as well as against Balraj Singh is quashed. Balraj Singh is also present in the Court who has been identified by learned counsel for the petitioners.

One of the accused namely Sukhraj Singh was living in Bahrin even before the registration of FIR and that is why he could not join the array of petitioners.

Learned State counsel on instructions from Investigating Officer states that investigation of the police does not reveal any incriminating evidence against aforesaid Sukhraj Singh.

On oral request of learned counsel for the petitioner, Balraj Singh is ordered to be added as one of the petitioner in the present petition so as to avoid unnecessary proceedings at a subsequent stage. Complainant in person

and learned State counsel has no serious objection to such a course. The impleadment of husband as co-petitioner would facilitate the Court in arriving at just and effective conclusion.

Looking to the entirety of the facts and circumstances of the case, the controversy arises from matrimonial affair of daughter of the complainant who is now living happily with her husband. The trial of the case would definitely end in vacuum as no witness would possibly come to depose against the petitioners. In view of amicable settlement as reflected above, continuation of proceedings would be abuse of process. In the interest of justice, it would be just and expedient to allow both the parties to settle their differences and live in peace.

This Court is of the opinion that in view of compromise between the parties, chances of conviction of the accused are remote and there is minimal chance of the witnesses coming forward to depose in support of prosecution version. In view of remote chances of conviction, it would be appropriate to exercise discretionary power of this Court under Section 482 Cr.P.C. to put an end to the controversy for all times to come. The compromise would facilitate both the parties to live in peace and to maintain public tranquility and offence in question is personal in nature and does not involve any heinous and serious offence of any mental depravity, nor it involves any offence covered under Prevention of Corruption Act. Therefore, when possibility of conviction is remote and bleak, continuation of criminal proceedings would put the accused to oppression and prejudice. In such a situation the exercise of power to quash the proceedings would be in consonance with the provisions of law to meet ends of justice and to prevent unnecessary continuation of proceedings which may ultimately result in some unnecessary vagaries of criminal trial.

Learned State counsel however, object to the aforesaid course, but in order to prevent unnecessary continuation of criminal proceedings on the ground that there are bleak chances of conviction in the case, this Court is of the opinion that it would be in fitness of things to quash the proceedings on the basis of compromise.

Resultantly, FIR No.184 dated 30.08.2010 under Sections 363, 366 (A) IPC police station Jandiala, District Amritsar along with all subsequent proceedings are hereby quashed.

20.04.2015

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**(RAJ MOHAN SINGH)**  
**JUDGE**