

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 6451 of 2017 (O&M)

Date of decision : 9.8.2017

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Arvinder Kaur

.....Petitioner

vs.

State of Punjab and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Balram Singh, Advocate for the petitioner

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

Mr. Goldy Jakhar, Advocate for respondent No.2.

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H. S. Madaan, J. (Oral)

Petitioner – Arvinder Kaur has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 11 dated 16.3.2011, for offences under Sections 307 IPC, registered at Police Station Satnampura, Phagwara, District Kapurthala, against her, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between her and complainant Pritam Singh - arrayed as respondent No.2.

When the petition came up for hearing on 28.2.2017, notice of motion was ordered to be issued. The respondent No. 1 - State of Punjab through State counsel, whereas respondent No.2 through Mr. Godly Jakhar, Advocate, had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court to get their statements recorded with regard to compromise and the trial Court was directed to send a report to this Court.

Report has been received from Sub Divisional Judicial Magistrate, Phagwara, in terms of which complainant Pritam Singh and accused, namely, Arvinder Kaur, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant has stated that he has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Alongwith the report statements of the complainant and the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

It is stated that it was a matrimonial dispute, which has since been resolved, in as much as, petitioner Arvinder Kaur is residing with her husband Ramanjot Singh, alongwith her in-laws and the couple has been blessed with a female child in the year 2015. Copy of her birth certificate showing her date of birth as 29.1.2015 in that

regard has been attached. It is further submitted that as a result of investigation, no merit was found in the allegation in the FIR and police has submitted cancellation report repeatedly in the Court of Illaqa Magistrate, though they were not accepting, for one reason or the other.

Learned State counsel admits his fact stating that as a result of investigation, sufficient evidence could not be collected, showing commission of any offence by the accused Arvinder Kaur, with the result she was not challaned, rather cancellation report was prepared and filed in the Court.

Counsel for the complainant also conceded the factum of parties having been arrived at a compromise.

Keeping in view the fact that the dispute has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “*finest hour of justice*”. Disputes which have their genesis

in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

(**H.S. Madaan**)
Judge

9.8.2017

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Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No