

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 4225 of 2018 (O&M)

Date of decision : 4.4.2018

...

Amrik Singh and others

.....Petitioners

vs.

State of Punjab and another

.....Respondents

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

Present: Mr. H.S. Aujla,, Advocate for the petitioners.

Mr. Rakeshinder Singh Sidhu, Assistant Advocate General,
Punjab.

Mr. Sukhdeep Singh Advocate for
Mr. A.D.S. Sukhija, Advocate for respondent No.2.

...

H. S. Madaan, J. (Oral)

Petitioners – Amrik Singh and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 37 dated 15.6.2012, for an offence under Sections 498-A IPC, registered at Police Station Badali Ala Singh, District Fatehgarh Sahib, against them, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Harjot Kaur through her Power of Attorney Joga Singh - arrayed as respondent No.2.

When the petition came up for hearing on 5.2.2018, notice of motion was ordered to be issued. The respondent No. 1 - State of

Punjab through State counsel, whereas respondent No.2 through Mr. A.D.S. Sukhija, 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 Judicial Magistrate Ist Class, Fatehgarh Sahib, in terms of which Joga Singh – Special Power of Attorney of complainant Harjot Kaur and accused, namely, Amrik Singh, Ranjit Kaur, Sarabjit Singh @ Sarbjit Singh and Satinder Singh, 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 all 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 a matrimonial dispute which has been amicably resolved. The FIR is the outcome of marital dispute which is stated to have been resolved amicably between the spouses i.e. respondent No.2 Harjot Kaur and petitioner No.3 Sarabjit Singh @ Sarbjit Singh in as much as they are stated to have got their marriage dissolved by

a decree of divorce by mutual consent. All the four accused were earlier declared a proclaimed offenders, but thereafter they were granted bail by this Court and they put in appearance in the trial Court.

The dispute between the parties 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”*.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

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.

4.4.2018

chugh

(H.S. Madaan)

Judge

Whether speaking / reasoned

Whether reportable

Yes/ No

Yes/ No