

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-6854-2018 (O&M)

Decided on: 03.10.2018

Ashok Kumar

.... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Arnav Sood, Advocate, for
Mr. Mayank Mathur, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

Mr. Abhinav Thapar, Advocate,
for respondent No.2.

H.S. MADAAN, J (ORAL)

CRM-35184-2018

This is an application for impleading Raja Singh and Gurmail Kaur accused as petitioners No.2 and 3 respectively.

Heard.

Application is allowed. Amended memo of parties placed on file.

CRM-M-6854-2018

Petitioner – Ashok Kumar has brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 142 dated 31.12.2013, for offences under Sections 406 and 498-A of IPC, registered at Police Station Mahila Police, District Patiala, against him, alongwith consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between him and complainant Sukhjeet Kaur - arrayed as respondent No.2.

When the petition came up for hearing on 17.02.2018, notice of motion was ordered to be issued. 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 1st Class, Patiala, through District and Sessions Judge, Patiala, in terms of which complainant Sukhjeet Kaur and accused, namely, Ashok Kumar 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. Statements of all the 3 accused as well as that of the complainant have already been recorded by JMJC, Patiala and report has been received. Further complainant has stated that she 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. It has been reported that no accused has been declared proclaimed offender in the FIR in question. Alongwith the report statement of the complainant and the accused, in original, have been annexed.

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

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.

According to State counsel, challan has been filed and some of the PWs have since been examined.

It is further stated by learned counsel for the petitioner that marriage between petitioner-accused Ashok Kumar and complainant-Sukhjeet Kaur has already been dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act.

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 is hereby quashed.

(H.S. MADAAN)
JUDGE

03.10.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No