

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

CRM-M No.51376 of 2018 (O&M)

Date of decision: 22nd August, 2019

Sarabjit Singh

... Petitioner

Versus

UT Administration & others

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Vinay Puri, Advocate for the petitioner.

Ms. Ashima Mor, Addl. Public Prosecutor UT Chandigarh
for respondents No.1 and 2/State.

Mr. H.S. Randhawa, Advocate for respondent No.3.

FATEH DEEP SINGH, J.

The petitioner husband has filed this petition under Section 482 Cr.P.C. seeking quashment of the FIR No.43 dated 04.05.2016 under Sections 406/498-A IPC pertaining to Police Station Women, Sector 17, Chandigarh (Annexure P1) on the basis of compromise.

The brief allegations have been levelled by Ranjit Kaur (since deceased on 09.02.2017) wife of the petitioner (now being represented by her mother Kuldip Kaur). In her complaint, the complainant alleged that the marriage between the two took place on 29.01.2012 where sufficient articles of Istridhan including costly items were given, however the in-laws were not happy with the same and often used to physically and mentally torture the complainant. It is on the basis of the same, the present case was got registered.

It was during the course of judicial proceedings, the parties were referred by this Court to the Mediation and Conciliation Centre in October 2016 where the matter stood compromised between the accused petitioner husband and the mother of the deceased, which is by way of Annexure P3. It is in consequence of this settlement, an amount of ₹ 2.00 lacs was paid by way of demand draft dated 06.04.2018 and ₹ 3.50 lacs were paid on 13.10.2018. The mother-in-law of the petitioner namely Kuldip Kaur respondent No.3, mother of deceased wife Ranjit Kaur, has also filed her affidavit on 13.10.2018 to this effect and that she has no objection if the FIR in question is quashed.

It has been submitted on behalf of the respondent/complainant side by Mr.H.S. Randhawa, Advocate that the private respondent because of her mental state has refused to appear before this Court and is not willing to make statement to give final effect to this settlement, but has fairly conceded that the entire amount of ₹ 5.50 lacs so settled by way of settlement/agreement (Annexure P3) stands received and nothing is due from the petitioner towards the complainant side.

The Hon'ble Supreme Court in '**Mohd. Shamim v. Smt. Nahid Begum**' 2005(1) RCR(Criminal) 697, in a similar situation and conduct by the wife, who had received the amount by way of settlement between the parties and subsequently backed out of it and also refused to return back the amount and rather denied having entered into a compromise, had observed as under:-

“14. This Court in Ruchi Agarwal vs. Amit Kumar Agrawal & Ors., 2004(4) RCR (CrL) 949 (SC) : [2004 (8) Supreme 525], in almost a similar situation has quashed a criminal proceeding against the husband, stating :

“... Therefore, we are of the opinion that the appellant having received the relief she wanted without contest on the basis of the terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this appeal arises was filed by the wife only to harass the respondents.

8. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the Court if the criminal proceedings from which this appeal arises is allowed to continue...”

In the present case, scenario is on a much better footing, where mother of the deceased wife certainly accepts the fact of having received ₹ 5.50 lacs in full and final settlement.

In a similar situation in **‘Raj Kumar and others vs. State of Punjab and another’ 2016(1) RCR (Criminal) 60; ‘Gurpreet Singh vs. State of Punjab and others’ 2014(2) RCR (Criminal) 876; and ‘Court on its own motion vs. Rohin Kumar @ Rohin Aggarwal’ 2014(2) RCR (Criminal) 407**, this Hon’ble Court further placing reliance on the case of **‘Vidya Charan Shukla vs. Tamil Nadu Olympic**

Association and another’ AIR 1991 Madras 323, had observed as follows:-

“27. Thus, this Court’s special jurisdiction as well as inherent jurisdiction to make orders ex-debito justitiae on the one hand and to punish for its contempt on the other, cannot be doubted and if a jurisdiction exists in a Court, the Court always has the right and duty to exercise that power as effectively as possible as it is always a inherent jurisdiction of the Court to make its power effective even though there is no specific provision of law to cover that particular power.”

In another similar situation in the case of **‘Shri Arun Atmaram Patil and others vs. Sandhya Arun Patil and others’ 2016(2) RCR (Criminal) 336**, a Single Bench of the Hon’ble Bombay High Court while placing reliance on **Mohd. Shamim’s case (ibid)** observed that after taking advantage, a party cannot be allowed to backtrack on the consent terms, as it would amount to harassment of the other party.

To the very specific query of the Court learned counsel for the private respondent could not impress upon this Court what is their substantial reason for backtracking in terms of the settlement arrived at, and even in the settlement/compromise deed which is Annexure P/3, following stipulation has been laid down:-

“2. That party on the second part will also give consent for the quashing of the FIR No.43 dated 4.5.2016

and will give statement in this regard in the Court of appropriate jurisdiction.

XXXX XXXX XXXX
XXXX XXXX XXXX

7. That party on the second part will have no objection if the FIR is quashed.”

Thus, in such a situation necessitates and impels this Court to invoke its inherent jurisdiction under Section 482 Cr.P.C. so as to meet the ends of justice. In the light of the same, it would meet the ends of justice if the FIR (Annexure P1) so got registered by the wife against the petitioner husband along with all consequential proceedings arising therefrom, are ordered to be quashed.

With these observations, the present petition stands disposed off.

(FATEH DEEP SINGH)
JUDGE

August 22, 2019
rps

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