

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3798-2020

Date of Decision: 18.12.2020

Mohit Kumar

...Petitioner

vs.

State of Punjab and another

...Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Paramjit Rajput, Advocate for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Shubhashish Kukreti, Advocate for respondent No.2.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to the outbreak of pandemic Covid-19.

2. Prayer in the petition under Section 482 Cr.P.C., is for quashing of FIR No.11 dated 30.03.2019, registered under Sections 498-A IPC, 1860, at Police Station Women Police Station, District Bathinda, as well as all consequential proceedings arising thereto, on the basis of compromise / settlement, Annexure P/2 dated 21.12.2019.

3. Brief facts of the case are that the petitioner and respondent No.2 got married on 29.11.2017, whereafter the parties resided together as husband and wife but no child was born out of the wedlock and due to temperamental differences, the parties could not adjust with each other on account of which, the aforementioned FIR was registered by respondent No.2 against the petitioner.

4. Learned Counsel contend that with the intervention of respectable

members of society, the petitioner and respondent No.2 have arrived at a compromise, Annexure P/2 dated 21.12.2019 and in terms of the same, the petitioner has paid Rs.3 Lakhs to respondent No.2 at the time of first motion in the case U/s 13-B of the Hindu Marriage Act, and Rs.4 Lakh at the time of second motion on 04.12.2020 on account of permanent alimony including past, present and future maintenance. As per the compromise, respondent No.2 has received all her valuables from the petitioner. Likewise, the petitioner has received all his valuables from respondent No.2. The compromise further records that respondent No.2 shall suffer a favourable statement before the Punjab and Haryana High Court for quashing of the aforementioned FIR.

5. Vide order dated 23.11.2020, the parties were directed to put in appearance before the learned trial Court / Illaqa / Duty Magistrate for getting their statements recorded. In terms of said order, the parties appeared before the learned Judicial Magistrate 1st Class, Bathinda, on 04.12.2020 and got their statements recorded. Pursuant thereto, report dated 04.12.2020 has been submitted by the learned Judicial Magistrate 1st Class, Bathinda, recording therein that respondent No. 2 / complainant, Kirandeep Kaur had suffered a statement that she had voluntarily, without any pressure, threat or coercion and out of her own free will arrived at a compromise with the accused in respect of FIR No.11 dated 30.03.2019, registered U/s 498-A IPC. The report further mentions that no person has been declared proclaimed offender in the case and that respondent No. 2 has stated that she has no objection if the FIR is quashed against the petitioner. Likewise, the petitioner made a statement of the compromise between him and respondent

No.2 having been voluntarily arrived at without any pressure, threat or coercion and in view thereof, the learned Judicial Magistrate 1st Class, Bathinda, forwarded his opinion that the compromise effected between the parties was genuine, voluntary and without any pressure, threat or coercion from any quarter. Besides, Challan has also not been filed.

6. Learned State counsel as well as learned counsel for respondent No.2 state that they have no objection if the aforementioned FIR and all consequential proceedings arising thereto are quashed on the basis of compromise, Annexure P/2 dated 21.12.2019 in order to enable the parties to move on in life.

7. I have considered the submissions of learned counsel. In view of the position noted above as also compromise, Annexure P/2 dated 21.12.2019 and report of the learned Judicial Magistrate 1st Class, Bathinda, dated 04.12.2020, there is no impediment in the way of the Court in exercising its inherent powers under Section 482 Cr.P.C. to quash the FIR and all consequential proceedings in respect thereto in the interest of justice in view of the decision in **Kulwinder Singh and others vs. State of Punjab and another 2007 (3) RCR (Criminal) 1052**, as no useful purpose would be served by prolonging the litigation. Relevant extract of the aforementioned decision is reproduced as under :-

“39. 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.

40. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.”

8. In the light of the position as noted above, FIR No.11 dated 30.03.2019, registered under Sections 498-A IPC, 1860, at Police Station Women Police Station, District Bathinda, as well as all consequential proceedings arising thereto, are quashed.

9. Petition stands disposed of accordingly.

(B.S. Walia)
Judge

18.12.2020
'Rajesh-PS'

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