

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

CRM-M-10522-2020

Date of decision: 06.11.2020

Tripjot Singh and others

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Jaskamal Singh Grewal, Advocate
for the petitioners.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr. Manjinder Singh Saini, Advocate for respondent No.2.
*(The aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in virtual court.)*

ARUN PALLI, J. (Oral)

Vide this petition under Section 482 of the Code of Criminal Procedure, the petitioners, who happened to be the husband, father-in-law and mother-in-law of Simranjeet Kaur (respondent No.2), pray for quashing the FIR No.78 dated 19.10.2016, under Sections 323/498-A of the Indian Penal Code, registered at Police Station Singh Bhagwantpur, District Rupnagar, and all consequential proceedings. For the parties have resolved their differences and a compromise in this regard has since been effected before the Mediation Centre, District Court Rupnagar:-

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***“1. That both the parties have mutually decided to dissolve their marriage by way of filing the mutual divorce petition U/s 13-B of HMA on or before 10.02.2020.*”**

- 2. That the second party/Triptjot Singh undertakes to pay Rs.5,50,000/- to the first party/Simranjit Kaur as maintenance amount. Rs.2,75,000/- would be paid by second party to first party at the time of first motion of the divorce petition. The remaining amount for Rs.2,75,000/- will be paid by the second party to the first party at the time of second motion of the divorce petition. Both the parties are bound to withdraw all the cases pending in the concerned Courts on the next date of hearing.***
- 3. That both the parties undertake that they shall not file any case against each other and their families regarding their matrimonial dispute. Both parties shall not interfere into their peaceful life in future.***
- 4. This compromise affected between the parties without any force, fraud, coercion, undue influence, pressure of any sort from any side with their free will and consent.”***

Accordingly, pursuant to the order dated March 12, 2020, the parties appeared before the trial court/Illaqua Magistrate on 04.04.2020, to get their statements recorded qua execution and veracity of the alleged compromise, and the Judicial Magistrate, Ist Class Rupnagar, has submitted a report:-

“In view of the above said statements, it appears to the undersigned that the compromise is genuine and valid and has been entered into voluntarily, out of the free will of the parties and without any pressure, threat or coercion or undue influence. It is submitted that as per the statements of the parties and the Investigating Officer, PO proceedings are not pending against any party.

This report is being submitted in compliance with the aforesaid order of the Hon'ble High Court dated 12.03.2020 passed in CRM-M-10522-2020. Statements of all the concerned parties recorded in the Court are also being sent herewith in original for the kind perusal of the Hon'ble High Court."

The Court has also been informed that in terms of the settlement, even the marriage between petitioner No.1 and respondent No.2 has since been dissolved on 02.09.2020 under Section 13-B of the Hindu Marriage Act.

Upon being pointedly asked, learned counsel for the respondents submit that in the given circumstances, they have no objection if the FIR in question is quashed.

In the wake of the above, it would be apposite to refer to the observations recorded by the Supreme Court in **Madan Mohan Abbot v. State of Punjab, 2008(4) SCC 582**; wherein it was held that in disputes where the question involved is of a purely personal in nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings for keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford, no useful purpose would be served in continuing with the proceedings:

“5. It is on the basis of this compromise that the application was filed in the High Court for quashing of proceedings which has been dismissed by the impugned order. We notice from a reading of the FIR and the other documents on record that the dispute

was purely a personal one between two contesting parties and that it arose out of extensive business dealings between them and that there was absolutely no public policy involved in the nature of the allegations made against the accused. We are, therefore, of the opinion that no useful purpose would be served in continuing with the proceedings in the light of the compromise and also in the light of the fact that the complainant has, on 11th January 2004, passed away and the possibility of a conviction being recorded has thus to be ruled out. We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common sense approach to the matter based on ground of realities and bereft of the technicalities of the law. We see from the impugned order that the learned Judge has confused a compounding of an offence with the quashing of proceedings. The outer limit of Rs.250/- which has led to the dismissal of the application is an irrelevant factor in the later case. We accordingly allow the appeal and in the peculiar facts of the case, direct that FIR No.155 dated 17th November 2001 P.S. Kotwali, Amritsar and all proceedings connected therewith shall be deemed to be quashed.”

Likewise, the Supreme Court even in Gian Singh v. State of Punjab & Anr., 2012(10) SCC 303, held that where offences are purely

private in nature and do not concern public policy, the power to quash proceedings involving non-compoundable offences on the basis of compromise can be exercised.

On conspectus of the position as indicated above, and the position of law expounded by the Supreme Court in Madan Mohan Abbot and Gian Singh (supra), the petition is allowed. Accordingly, FIR No.78 dated 19.10.2016, under Sections 323/498-A IPC, registered at Police Station Singh Bhagwantpur, District Rupnagar, and all subsequent proceedings arising therefrom are quashed.

06.11.2020
AK Sharma

(Arun Palli)
Judge

Whether speaking / reasoned:	YES
Whether Reportable:	NO