

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30679-2020

Date of Decision: 01.10.2020

Amritpal Singh and others ...Petitioners

vs.

State of Punjab and another ...Respondents

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

Present: Mr. Ashish Aggarwal, Advocate for the petitioners.

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.83 dated 30.05.2019, registered under Section 406, 498-A IPC, 1860, at Police Station Goindwal Sahib, District Tarn Taran along with all subsequent proceedings, on the basis of compromise Annexure P/2 dated 22.09.2020.
3. Notice of motion.
4. Mr. Saurav Khurana, DAG, Punjab, accepts notice on behalf of respondent No.1, while Mr. Shubham Mehta, Advocate, puts in appearance on behalf of respondent No.2.
5. Learned counsel for the petitioner contends that the marriage of petitioner No.1 was solemnized with respondent No.2, as per Sikh rites on 03.02.2013, but due to strained relationship the aforementioned FIR, was registered by respondent No. 2 at Police Station Goindwal Sahib, District Tarn Taran. However, the case is still at the stage of investigation and final

concerned Court by the Investigating Agency. However, in the intervening period, with the intervention of respectable members of society besides family members of both sides, dispute amongst the parties has been amicably resolved and compromise arrived at that petitioner No.1 and respondent No.2 would seek divorce while petitioner No.1 would make total payment of Rs.17,75,000/- to respondent No.2, out of which, respondent No.2 has already received Rs.9,00,000/- on 17.01.2020 via demand draft and Rs.8,75,000/- via demand draft No.31421 drawn on Axis Bank.

6. Learned DAG, Punjab, on instructions from ASI Sawinder Singh, informs the Court that there is no other case against the petitioners, besides no P.O. proceedings are pending and that no challan has been presented till date.

7. Learned DAG, Punjab and learned counsel appearing on behalf of respondent No.2 state that they have no objection if the aforementioned FIR as well as all subsequent proceedings arising therefrom, are quashed, on the basis of compromise, Annexure P/2 dated 22.09.2020.

8. Keeping in view the fact that the matter has been amicably settled between the parties vide compromise Annexure P/2 date 22.09.2020, and the parties have decided to get the FIR quashed, there is no impediment in the exercise of inherent powers by this Court for quashing the FIR and subsequent proceedings in respect thereto in the interest of justice in view of the decision of this Court 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 decision in Kulwinder Singh's case (supra) is reproduced as under:-

“28. 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 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.

29. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can be affected 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.”

11. Accordingly, in the light of the position as noted above, FIR No.83 dated 30.05.2019, registered under Section 406, 498-A of IPC, 1860, at Police Station Goindwal Sahib, District Tarn Taran as well as all subsequent

proceedings arising therefrom, qua the petitioners are quashed, on the basis of compromise, Annexure P/2 dated 22.09.2020.

12. Petition stands disposed of in the aforementioned terms.

(B.S. Walia)
Judge

01.10.2020
'Rajneesh-Rajesh'

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