

224

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.32744 of 2020  
Date of Decision: 21.12.2020

SHER SINGH AND OTHERS

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. Bikramjit Singh Randhawa, Advocate  
for the petitioners.

Mr. Bhupender Beniwal, Asstt., AG, Punjab.

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**RAJ MOHAN SINGH, J. (Oral)**

[1] The case has been taken up for hearing through video conferencing.

[2]. Prayer in this petition is for quashing of FIR No.119 dated 20.07.2019 registered under Sections 323/324/506/148/149 IPC at Police Station City Rupnagar District Rupnagar along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. On 14.10.2020, following order was passed by the Co-ordinate Bench of this Court:-

*"Heard through video conferencing."*

*This is a petition under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.119 dated 20.07.2019 under Sections 323, 324, 506, 148 and 149 of the Indian Penal Code, 1860 registered at Police Station, City Rupnagar, District Rupnagar (Annexure P-1) and all subsequent proceeding arising therefrom, on the basis of compromise dated 05.10.2020 (Annexure P-2).*

*The learned counsel for the petitioners has contended that the present FIR was a result of matrimonial dispute between the petitioners and respondent No.2. He has further contended that now the parties have reached an amicable settlement and respondent No.2 now does not want to pursue the present FIR. Learned counsel relies upon **Kulwinder Singh and others vs. State of Punjab and another**, 2007(3) RCR (Criminal) 1052 to contend that even in non-compoundable offences, if the parties have entered into a compromise, this Court has wide powers under Section 482 CrPC to quash the proceedings to prevent abuse of law and secure the ends of justice.*

*Notice of motion.*

*On the asking of the Court, Mr. Ramandeep Sandhu, Senior DAG, Punjab has put in appearance through video conferencing (VC) and accepts notice on behalf of the respondent-State. Mr. Parneet Singh Baidwan, Advocate accepts notice on behalf of respondent No.2/complainant through VC and has stated that the parties have reached a compromise. The compromise deed dated 05.10.2020 has been annexed with the petition as Annexure P-2. He further states that the parties are now residing together and the complainant does not want to pursue the present FIR.*

*Adjourned to 15.12.2020.*

*Meanwhile, the parties are directed to appear before the concerned CJM/Illaq Magistrate/Trial Court on 29.10.2020, or on any other date convenient to the Court, for recording of their statements. The CJM/Illaq Magistrate/Trial Court is*

*directed to record the statements of the parties to its satisfaction qua the genuineness of the compromise and that the same is not the result of any undue influence, coercion or pressure of any kind. A report, along-with the statements of the parties, on the following points be sent to this Court before the next date of hearing:*

- 1) Whether the settlement/compromise dated 05.10.2020 has been freely entered into by the parties without any undue influence, coercion or pressure of any kind.*
- 2) Whether any other criminal cases are pending against the parties.*
- 3) Whether any proclamation proceedings are pending against either of the parties.*

October 14, 2020  
kv

**(ALKA SARIN)**  
**JUDGE”**

[4]. In compliance of the aforesaid order, both the parties have appeared before the Chief Judicial Magistrate, Rupnagar on 29.10.2020 and have deposed in the context of genuineness of the compromise in question. The Chief Judicial Magistrate, Rupnagar after recording the statements of the parties has endorsed the following facts in para nos. 2 and 3 of its report dated 29.10.2020:-

*“2. Accused Sher Singh, aged about 35 years, son of Banarsi Singh, Dara Singh, aged about 33 years, son of Banarsi Singh, Sahib Singh, aged about 24 years, son of Banarsi Singh, Banarsi Singh, aged about 63 years, son of Dulat Singh and Raj Kaur, aged about 51 years, wife of Banarsi Singh, all residents of ward no.14, Mohalla Sada Wart, Rupnagar, Tehsil and District Rupnagar recorded their statement, while stating that the*

*present FIR no.119 dated 20.07.2019 registered at Police Station City Ropar, under Sections 323, 324, 506, 148 and 149 IPC has been registered on the instance of complainant Harmeet Kaur. Now, they have compromised the matter with the complainant named above. Copy of compromise is mark A. They have compromised the matter out of their own sweet will, undue influence and pressure and they agree with the same. Copies of their aadhar Card is mark C to mark G respectively. They have not been declared Proclaimed Person in this matter as well as any other matter till date.*

3. *From the statements of parties got recorded by them today in the Court, it appears that parties have effected compromise with their own sweet will, voluntarily without any pressure and coercion in any manner.*

*In case, the compromise is accepted it would be beneficial to the interests of both the parties. Please find enclosed herewith, the original statement of both the parties along with relevant documents.”*

[5]. In view of report submitted by the Chief Judicial Magistrate, Rupnagar, this Court is of the firm opinion that in view of compromise between the parties, there would be remote and negligible chances of the witnesses coming forward to depose in favour of the prosecution version. There would be remote chances of conviction, therefore, in order to put an end to the controversy for all times to come, exercise of inherent powers under Section 482 Cr.P.C would be in the interest of justice to facilitate both the parties to arrive at peaceful resolution of the dispute and also to maintain public tranquility in

the area. The offence is personal in nature and the same does not involve any mental depravity and also does not involve any offence under Prevention of Corruption Act. In such situation, exercise of inherent jurisdiction in terms of Section 482 Cr.P.C would be in consonance with the requirement of law to meet ends of justice and to prevent unnecessary continuation of criminal proceedings, which would ultimately result in vacuum. Powers under Section 482 Cr.P.C can be exercised in order to prevent unnecessary vagaries of criminal trial to be faced by the parties, when there are remote chances of conviction of the accused. The compromise in question is found to be in fully consonance with the direction issued by the Court in **Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052** and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

[6]. Learned State counsel has objected to the aforesaid course, but in the interest of justice and also to prevent unnecessary continuation of criminal proceedings, I am of the view that inherent powers under Section 482 Cr.P.C can be exercised in order to achieve ends of justice.

[7]. Resultantly, FIR No.119 dated 20.07.2019 registered under Sections 323/324/506/148/149 IPC at Police Station City

Rupnagar District Rupnagar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8].       Petition stands disposed of.

December 21,2020

*Atik*

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)**  
**JUDGE**

Yes/No

Yes/No