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

**CRM-M No.33623 of 2020
Date of Decision: 21.12.2020**

SABIR MAINI AND ORS Petitioners

**Vs
STATE OF PUNJAB AND ANR
.....Respondents**

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

Present: Mr. Salil Dev Singh Bali, Advocate
for the petitioners.

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

Mr. Manu Loona, Advocate
for the complainant.

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.144 dated 19.12.2019 registered under Sections 498-A, 406, 323 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 at P.S. City 2, Abohar, District Fazilka along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. On 26.10.2020 following order was passed by the Co-ordinate Bench of this Court:-

“Learned counsel for the petitioners submits that an FIR No. 144 dated 19.12.2019 under Sections 498-A, 406, 323 of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 was registered at Police Station City2 Abohar, District Fazilka against the petitioners due to the matrimonial dispute, which has arisen between the parties and now the petitioners have already entered into a compromise through their power of attorneys as both the petitioners are living in abroad with respondent No.2 and, therefore, the said FIR may kindly be quashed.

Notice of motion.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab, who has joined the proceedings through video conference, accepts notice on behalf of respondent No.1.

Mr. Manu Loona, Advocate, who has also joined the proceedings through video conference, accepts notice on behalf of respondent No.2-complainant and does not dispute the compromise, which has been arrived at between the parties.

Before any action is taken on the prayer of the parties, the parties are directed to appear before the trial Court/Ilalaqa Magistrate for recording of their statement with regard to the compromise/settlement on 24.11.2020 by moving appropriate application or by presenting this order. The Trial Court/Ilalaqa Magistrate is directed to submit the report on or before the next date of hearing containing the following information:

- 1. Number of persons arrayed as accused in the FIR,*
- 2. Whether any accused is a proclaimed offender,*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence,*
- 4. Whether the accused persons are involved in any other FIR or not, and*
- 5. The Trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR.*

The question of imposition of cost for wasting the valuable time of the police as well as the Court will be assessed and imposed at the time of the final hearing of the present petition in case, the FIR is to be quashed.

Adjourned to 21.12.2020.

October 26, 2020
aarti/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE"

[4]. In compliance of the aforesaid order, both the parties have appeared before the Judicial Magistrate Ist Class, Abohar on 26.11.2020 and got their statements recorded in the context of genuineness of the compromise in question. After recording the statements of the parties, the Judicial Magistrate Ist Class, Abohar has forwarded point-wise report to this Court which is as under:-

"5. *The point-wise report as per the directions of the Hon'ble High Court is as follows:-*

(i) *Number of persons arrayed as accused in FIR: 3*

(ii) *Whether any accused is proclaimed offender: No*

(iii) *Whether the compromise is genuine voluntary and without any coercion or undue influence:*

***The compromise is genuine,
voluntary and without any
coercion or undue influence.***

(iv) *Whether the accused persons are involved in any other FIR or not:* **No**

(v) *How many victims/complainants are there in the FIR:*

***There is only one
victim/complainant in the
present FIR namely Sukhjot Kaur."***

[5]. In view of report submitted by the Judicial Magistrate Ist Class, Abohar, 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.144 dated 19.12.2019 registered under Sections 498-A, 406, 323 IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 at P.S. City 2, Abohar, District Fazilka 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