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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33988 of 2020
Date of Decision: 21.12.2020

AMARJIT SINGH CHATHA AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. S.P. Soi, Advocate
for the petitioners.

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

RAJ MOHAN SINGH, J. (Oral)

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

[2]. At the very outset, learned counsel for the petitioners submitted that CRM-M No.19693 of 2019 titled '*Amarjeet Singh Chatha vs. State of Punjab and another*' has virtually become infructuous in view of compromise arrived at between the parties on 05.02.2020 and in pursuance of the compromise, an amount of Rs.14 lakhs has been paid to respondent No.2 and a mutual divorce has now been granted by the matrimonial Court.

[3]. In the present petition, the petitioners have prayed for quashing of FIR No.3 dated 14.02.2019 registered under Sections 406 and 498-A IPC at Police Station NRI Patiala, District Patiala along with all subsequent proceedings arising therefrom on the basis of compromise.

[4]. On 29.10.2020, following order was passed by the Co-ordinate Bench of this Court:-

“This is a petition for quashing of FIR on the basis that a compromise has been entered into between the parties.

Notice of motion.

At this stage, Ms. Rashmi Attri, AAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of respondent No.1-State. Similarly, Mr.Vishaldeep Goyal, Advocate accepts notice on behalf of respondent No.2 and admits to the factum of compromise.

Service is complete.

Now, the parties are directed to appear before the learned trial Court/Ilalaqa Magistrate on 19.11.2020 or any other date convenient to the trial court/Ilalaqa Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial court/Ilalaqa Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 21.12.2020.

A copy of this order be sent to learned trial Court/Ilalaqa Magistrate through fax for compliance.”

(JAISHREE THAKUR)
JUDGE

October 29, 2020
vijay saini”

[5]. In compliance of the aforesaid order, statements of the parties have been recorded by the Judicial Magistrate Ist Class, Patiala on 19.11.2020. After recording the statements, the Judicial Magistrate Ist Class, Patiala has forwarded its report dated 23.11.2020. Operative part of the same is as under:-

“As per statement suffered by the ASI Gurdeep Singh, 2131/PTL, Patiala, investigating officer no PO proceedings was initiated against any person in present case. In view of the statements suffered by the parties, this Court is of the considered view that the parties have voluntarily entered into a genuine compromise with their free will without any undue influence or pressure. The requisite report is accordingly submitted please, for onward transmission to the Hon'ble High Court. Photocopies of the statements so recorded are enclosed herewith, for kind perusal, please.”

[6]. In view of report submitted by the Judicial Magistrate Ist Class, Patiala, 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.**

[7]. 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.

[8]. Resultantly, FIR No.3 dated 14.02.2019 registered under Sections 406 and 498-A IPC at Police Station NRI Patiala, District Patiala as well as all the subsequent

proceedings arising therefrom, are hereby quashed.

[9]. Petition stands disposed of.

December 21,2020

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No