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

CRM-M No.40004 of 2020

Date of Decision: 21.12.2020

MANISH KUMAR AND OTHERS

.....Petitioners

Vs

STATE OF HARYANA AND ANOTHER

.....Respondents

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

Present: Mr. Virender Mandhan, Advocate
for the petitioners.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Jagdeep Singh, Advocate
for respondent No.2.

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.264 dated 02.08.2019 registered under Sections 498-A and 34 IPC at Police Station Nissing, District Karnal along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. On 02.12.2020 following order was passed by the Co-ordinate Bench of this Court:-

“Heard through video conferencing.

The petitioners are seeking quashing of FIR No.264 dated 02.08.2019, under Sections 498-A, 34 IPC registered at Police Station Nissing, District Karnal, on the basis of compromise, which has been arrived at between the parties.

Learned counsel for the petitioners contends that the FIR is an outcome of a matrimonial dispute between petitioner No.1 and respondent No.2 which has now been resolved and the matter has been compromised. He has referred to a copy of the joint statement of the parties which is annexed as Annexure P-2.

Issue notice to the respondents.

At the asking of the Court, Ms. Aditi Girdhar, AAG, Haryana, accepts notice on behalf of respondent No.1.

Mr. Jagdeep Singh, Advocate has put in appearance on behalf of the complainant/respondent No.2 and states that the matter has indeed been compromised.

List on 21.12.2020.

In the meantime, the parties are directed to appear before Illaqa Magistrate/trial Court on 10.12.2020. The Illaqa Magistrate/trial Court shall record their statements with regard to the genuineness of the compromise as to whether the compromise has been effected between the parties without any undue influence or coercion and send the report to this Court before the next date of hearing.

(ANUPINDER SINGH GREWAL)
JUDGE

December 02, 2020
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[4]. In compliance of the aforesaid order, both the parties have appeared before the Judicial Magistrate Ist Class, Karnal on 10.12.2020 and got their statements recorded in the context

of genuineness of the compromise in question. The Judicial Magistrate Ist Class, Karnal after recording the statements of the parties has forwarded its report dated 10.12.2020 which reads as under:-

“1. Statement of accused Manish Kumar, Sunita, Ram Devi and Jasbir Singh and complainant Pooja Devi (Annexure-I) has been recorded on solemn affirmation in which they stated that they have compromised the matter with each other voluntarily and without any fear or pressure.

2. After careful perusal of the statement given on solemn affirmation by the complainant as well as accused concerning the present case and after careful analysis of the same, this court is convinced that the compromise between the parties in question is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Therefore, this court is of the thoughtful opinion that the available material on record is in favour to reflect a valid compromise between the parties.

Therefore, the above mentioned facts and circumstances, as part of report are detailed for your honour's kind information, please.

Submitted please.”

[5]. In view of report submitted by the Judicial Magistrate Ist Class, Karnal, 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.264 dated 02.08.2019 registered under Sections 498-A and 34 IPC at Police Station Nissing, District Karnal as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

December 21,2020

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No