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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.41025 of 2020
Date of Decision: 21.12.2020

GURBAX SINGH AND ORS

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Baltej Singh Sidhu, Advocate
for the petitioners.

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

Mr. Lakhwinder Singh Lakhanpal, 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.121 dated 14.08.2020 registered under Sections 324/323/498A/406/120B/506 IPC (Section 326 IPC added later on) at Police station Arni Wala, District Fazilka along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Learned counsel for the parties are *ad idem* that petitioner No.6 and respondent No.2 are living happily as

husband and wife. After the compromise in question, the dispute has been resolved completely.

[4]. On 09.12.2020, following order was passed by the Coordinate Bench of this Court:-

“Heard through video conferencing.

The petitioners are seeking quashing of FIR No.121 dated 14.08.2020, under Sections 324, 323, 498-A, 406, 120-B, 506 IPC (Section 326 IPC added later on) registered at Police Station Arni Wala, District Fazilka, on the basis of compromise dated 10.11.2020 (Annexure P-2), 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.6 and respondent No.2 and only simple injuries were caused in the incident except an injury on the finger of the injured for which offence under Section 326 IPC has been invoked. He also contends that with the intervention of the respectables, the dispute has now been resolved and the matter has been compromised. Petitioner No.6 and respondent No.2 are happily residing together at their matrimonial home. He has referred to a copy of the compromise at Annexure P-2.

Issue notice to the respondents.

At the asking of the Court, Mr. Jagmohan S. Ghumman, DAG, Punjab, accepts notice on behalf of respondent No.1.

Mr. Lakhwinder Singh Lakhanpal, 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 14.12.2020. 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.

December 09, 2020
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(ANUPINDER SINGH GREWAL)
JUDGE

[5]. In compliance of the aforesaid order, both the parties have appeared before the Judicial Magistrate Ist Class, Fazilka on 14.12.2020 and have got their statements recorded in respect of genuineness of the compromise in question. The Court after recording their satisfaction has forwarded its report dated 14.12.2020 in the following manner:-

“2. Both the parties to the case have suffered statements that with the intervention of the respectable persons, they have entered into a compromise without any pressure, coercion or force, out of their free will.

3. Therefore, from the statement of the parties to the case, this Court is satisfied that the compromise in the present case is genuine and the same has been arrived at without any kind of undue influence or coercion. The statements of all the parties mentioned above are attached herewith. The report is hereby submitted please for your kind perusal. I am highly obliged.”

[6]. In view of report submitted by the Judicial Magistrate Ist Class, Fazilka, 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.121 dated 14.08.2020 registered under Sections 324/323/498A/406/ 120B/506 IPC (Section 326 IPC added later on) at Police station Arni Wala, District Fazilka 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