

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

CRM-M-43147-2019 (O&M)

Date of decision: 16.03.2020

Simran Saini @ Rubina Sharma @ Raveena Kumari and others
...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. A.S. Sekhon, Advocate for the petitioners.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Vikas Sonak, Advocate for respondents No.2 and 3.

H.S. MADAAN, J. (Oral)

Petitioners – Simran Saini @ Rubina Sharma @ Raveena Kumari and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 39 dated 23.03.2019, for offences under Sections 420, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Jaitu, District Faridkot, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Gurcharan Singh and Sukhvir Singh (son of the complainant)- arrayed as respondents No.2 and 3.

When the petition came up for hearing on 14.10.2019, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab

through State counsel, whereas respondents No.2 and 3 through Mr. Vikas Sonak, Advocate had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Illaq Magistrate to get their statements recorded with regard to compromise and was directed to send a report to this Court.

Report has been received from Sub Divisional Judicial Magistrate, Jaitu, in terms of which complainant Gurcharan Singh and Sukhvir Singh (son of the complainant) and accused, namely, Simran Saini @ Rubina Sharma @ Raveena Kumari, Paramjeet Singh and Jasvir Kaur had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any threat, undue influence or coercion. Further, the complainant and his son have stated that they have no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along with the report statements of the complainant, his son and all the accused, have been annexed.

It is stated that basically the present FIR is registered out of matrimonial dispute between Simran Saini (Ravina Kumari) and respondent No.3 Sukhvir Singh which has since been resolved inasmuch as the decree of divorce has been granted by mutual consent of the parties. Copy of that judgment has been placed on record.

I have heard learned counsel for the parties besides going

through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as

Kulwinder Singh and others vs. State of Punjab and Anr. 2007 (3)

RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the above said FIR along with ancillary proceedings are hereby quashed qua the petitioners only.

16.03.2020

sumit.k/tarun

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No