

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2253-2020 (O&M)

Date of Decision: 23.12.2021.

JASPREET SINGH AND OTHERS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Nakul Sharma, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. H.S.Randhawa, Advocate for
Mr. P.S.Ahluwalia, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.58 dated 30.07.2019 under Sections 406 and 498-A IPC registered at Police Station Women Cell Jalandhar, District Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 25.10.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 25.10.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jalandhar, has sent the report to the following effect:-

“Most respectfully, this is reference to the subject cited above complainant Harneet Kaur aged about 27 years wife of Jaspreet Singh daughter of Sh. Ravinder Pal

Singh resident of 130, Golden Avenue, Phase-II, District Jalandhar and accused 1. Jaspreet Singh aged about 28 years son of Jasbir Singh 2. Jasbir Singh aged about 59 years son of Ujjagar Singh 3. Jaspal Kaur aged about 57 years wife of Jasbir Singh, all residents of H.No.21, Mohalla No.13, Jalandhar Cantt., District Jalandhar. together came present in the Court of undersigned and moved an application on 29.11.2021 for recording statements of parties and in order to confirm genuineness of the compromise. They produced certified copy of the above said order passed by Honourable High Court passed in Criminal Misc.-33503 of 2021 in CRM-M-2253 of 2020 in case titled as 'Jaspreet Singh & Ors. v. State of Punjab & Anr". On joint request of the counsels for the parties, the time was fixed for recording the statements of the parties. On 29.11.2021 both complainant and accused parties appeared in the Court of undersigned in compliance of the above said order passed by Honourable High Court. The complainant has also suffered statement that she has compromised with accused party in the presence of respectable persons of both the parties. The compromise is voluntarily, without any inducement, threat, pressure or coercion. Now there is no grudge against the accused party. She does not want to take any action against the accused persons in the present case. This compromise has been taken place with the free consent and without any pressure. She has no objection, if the present FIR against the above mentioned accused persons be quashed by the Hon'ble High Court of Punjab and Haryana at Chandigarh. Similarly, the accused have suffered statements to the effect that they have compromised with the complainant Harneet Kaur present in the Court. They have read over the statement of the complainant, which is true and correct. They and complainant will remain peacefully in the future as per compromise effected between them. They have compromised with the

complainant without any threat, inducement or any kind of pressure. They further stated that there is nobody else nominated as accused by the police in this case and none of them has been declared as proclaimed offender.

The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the parties are duly identified by their counsels.

As per the record no accused person has been declared proclaimed offender in this case.

The complainant and accused persons have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been affected between the complainants and accused and same is voluntary, without any pressure or coercion and is genuine one.

The compliance report along with statements of parties recorded by the undersigned is submitted herewith for onward transmission to the Hon'ble Punjab & Haryana High Court, Chandigarh.

Submitted please. ”

It has been stated that the matrimonial dispute has been amicably settled between the parties. The marriage between the parties has already been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the

prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.58 dated 30.07.2019 under Sections 406 and 498-A IPC registered at Police Station Women Cell Jalandhar, District Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

23.12.2021
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No