

CRM-M-4624-2020

Date of decision: 15.12.2021

SHRI KRISHAN RAMPAL AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Navraj Singh Mahal, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Jamshed Ahmed, Advocate for
P.S. Bhandari, Advocate
for respondents No.2 and 3.

VIVEK PURI, J. (ORAL)

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. 04 dated 12.08.2017 under Sections 406/498-A IPC, 1860 registered at Police Station NRI, SBS Nagar, and all the consequential proceedings arising therefrom, on the basis of compromise.

Learned counsel for the petitioners contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 13.01.2020 (Annexure P-2).

On 23.03.2021, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the

compromise.

In compliance of the order dated 23.03.2021, learned Sub-Divisional Judicial Magistrate, Sri Anandpur Sahib has recorded the statements of the parties and submitted its report dated 13.08.2021, the relevant para whereof reads as under:-

“In reference to the subject cited above, I have the honour to submit the report as desired by the Hon’ble Punjab and Haryana High Court vide order dated 16.07.2021 passed by the Hon’ble Punjab and Haryana High Court in CRM-M-19001-2021 in CRM-M-4624-2020 in case titled as “Shri Krishan Rampal and others Versus State of Punjab and others” whereby the Hon’ble High Court had directed the trial Court/Illaq Magistrate to record the statements of the petitioner Nos. 3 and 4 on 07.09.2021 or any other date convenient to the trial Court/Illaq Magistrate through the medium of video conferencing or through GPA/SPA with regard to compromise and the trial Court/Illaq Magistrate/court of undersigned was directed to submit a report before the date already fixed i.e. 14.10.2021.

In compliance to the above order, accused Shri Krishan Rampal, Smt. Shashi Kanta (Referred to as petitioners No.1 and 2 in the memo of parties in the petition bearing CRM-M-19001-2021 in CRM-M-4624-2020 before the Hon’ble High Court) and complainant namely Diksha (Referred to as respondent No.3 in the memo of parties in the petition bearing CRM-M-19001-2021 in CRM-M-4624-2020 before the Hon’ble High Court) appeared in the Court on 04.08.2021. It is further submitted that the statements of accused/petitioners No.3 and 4 have been recorded through accused/petitioner No.1 Shri Krishan Rampal who is special power of attorney by virtue of Ex. C5 and Ex. C6 respectively for accused/petitioners No.3 Kanika Rampal and accused/petitioner No.4 Kanav Rampal. Further complainant/respondent No.3 Diksha has also placed on record the death certificate of her father i.e. respondent No.2 Gopal Krishan. The parties have stated that with the intervention of the respectable persons of the society, they have effected compromise with each

other. They have further stated that they have entered into compromise dated 13.01.2020 Ex. PA voluntarily, out of their own free will, without any undue influence, pressure from any side. Complainant/respondent No.3 namely Diksha has also stated that she has no objection if the FIR is quashed against the accused/petitioners. She has further stated that according to compromise Rs. 25 lac was settled between the parties and she has already received Rs. 20 lac from the accused and that a FDR which is in the judicial file of Rs. 5 lac dated 20.08.2019 in the name of complainant Gopal Krishan but due to the death of Gopal Krishan, today she has received Rs. 5 lac in case from the accused and she has no objection if the said FDR which is on the judicial file be returned to the accused Shri Krishan Rampal or any other accused. She has further stated that nothing is due against the accused persons and she will give the statement regarding release of FDR in favour of the accused in any court of law if needed.

It is respectfully submitted that from the statements recorded in the Court and from the conduct of the parties, this court is satisfied that compromise arrived at between the parties is genuine and it has been done voluntarily, without any threat or coercion. However, the compromise Ex PA dated 30.01.2020 does not bear the signatures of accused/Petitioner No.4 Kanav Rampal.

In reference to the above mentioned discussion, the report is respectfully submitted for Your honour's kind perusal, please. Original statements of parties alongwith self attested copies of their Identity proofs, death certificate of respondent No.2, special power of attorneys executed by petitioners No.3 and 4 Kanika Rampal and Kanav Rampal in favour of petitioner No.1 Shri Krishan Rampal are also forwarded for Your honor's kind perusal, please."

It may be mentioned here that the aforesaid report was dispatched on 13.08.2021. Subsequently, another report bearing No. 687 dated 08.09.2021 was also received from the Court of learned Chief Judicial Magistrate, Shaheed Bhagat Singh Nagar to the effect that none of the parties had appeared for recording of the

statements.

It has been stated by the learned counsel for the parties that statements of the parties had already been recorded on 04.08.2021 and consequently, there was no occasion to appear on the subsequent date. Subsequent report has been sent in terms of order dated 16.07.2021 as the parties were directed to appear before the Illaqa Magistrate on 07.09.2021 whereas the parties have already put appearance in terms of order dated 23.03.2021 and the statements were recorded on 04.08.2021.

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled and the marriage between petitioner No.4 and respondent No.3 has been dissolved by a decree of divorce by mutual consent.

Learned counsel for respondent Nos.2 and 3 has admitted the fact of compromise and has stated that he has no objection if the FIR is quashed and furthermore, respondent No.3 has already received an amount of Rs. 25 lacs as already settled.

After hearing the 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. 04 dated 12.08.2017 under Sections 406/498-A IPC, 1860 registered at Police Station NRI, SBS Nagar and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

15.12.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No