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

**CRM-M No.41934 of 2020(O&M)
Date of Decision:22.02.2021**

Amarjeet Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present:Mr. J.S. Grewal, Advocate
for the petitioners.

Mr. M.S. Nagra, AAG, Punjab.

Mr. Piyush Sharma, Advocate
for respondent No.2.

(Through video conferencing)

RAJ MOHAN SINGH, J.(Oral)

[1]. Prayer in this petition is for quashing of FIR No.37 dated 18.04.2015 registered under Section 498A IPC (Charge under Section 498-A and 406 IPC) at Police Station Singh Bhagwantpura, Tehsil & District Rupnagar along with all the subsequent proceedings arising therefrom, on the basis of

compromise.

[2]. Notice of motion was issued on 14.12.2020 and both the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in the context of genuineness of the compromise. Illaqa Magistrate/trial Court was also directed to submit its report with regard to genuineness of the compromise.

[3]. In compliance of the aforesaid order, trial Court has submitted its report to the following effect:-

“Most humbly, it is submitted that as per orders dated 14.12.2020, passed by Hon'ble High Court of Punjab & Haryana at Chandigarh, in above noted case, statement of complainant Ranjit Kaur w/o Amarjit Singh r/o VPO Dhandari Kalan, Tehsil & District Ludhiana has been recorded in which she has stated that she has compromised the matter with accused namely Amarjit Singh, Tarsem Singh and Jaspal Kaur with her free will, undue influence, coercion and threat. She further stated that she has no objection if the said FIR be quashed qua the accused Amarjit Singh, Tarsem Singh and Jaspal Kaur.” She has placed on record attested copy of Adhar card Ex.C1. The joint statement of accused person namely Amarjit Singh, Tarsem Singh and Jaspal Singh has also been recorded stating

therein that they have compromised the matter with the complainant Ranjit Kaur with their free will, undue influence, coercion and threat. They have also placed on record copy of their ID proofs of Amarjit Singh and Tarsem Singh Ex.C2 and Ex.C3. From the statements of the parties, it appears that the compromise arrived at between the parties is genuine, voluntarily and without any coercion or undue influence. The statements of the complainant namely Ranjit Kaur and accused namely Amarjit Singh, Tarsem Singh and Jaspal Kaur in original are enclosed herewith along with photocopies of their ID proof i.e. Aadhar Card and driving license.

It is further submitted that record was perused and it reveals that there are total three (3) persons arrayed as accused in the present FIR. It is further submitted that as per record, no accused has been declared proclaimed offender in the present FIR.

It is further submitted that the name of the complainant is Ranjit Kaur. It is further submitted that at the time of recording the statement regarding compromise, the parties had reconciled their matter in mediation centre and intended to file the quashing petition as per the compromise effected in the mediation centre. Further, from the perusal of the statements of the parties it appears that the compromise effected between the parties is

genuine, voluntary and without any coercion or undue influence.

Submitted please.”

[4]. Perusal of the aforesaid report would show that the parties have effected genuine compromise. The complainant is not willing to carry on with the prosecution case against the petitioner. In view of compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.P.C can be exercised in such like situation 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.**

[5]. 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.

[6]. Resultantly, FIR No.37 dated 18.04.2015 registered under Section 498A IPC (Charge under Section 498-A and 406

IPC) at Police Station Singh Bhagwantpura, Tehsil & District Rupnagar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

22.02.2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No