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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM No.2932 of 2021 in/and
CRM-M No.39554 of 2020
Date of Decision: 08.02.2021

CHANDERJIT SINGH AND OTHERS
.....Petitioners

Vs
STATE OF PUNJAB AND ANOTHER
.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Gurpal Singh Sandhu, Advocate
for the petitioners.

Mr. Bhupender Beniwal, Asstt. A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

[1] The case has been taken up for hearing through video conferencing.

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[2]. Prayer in this application is for addition of offence under Section 406 IPC in the headnote as well as in the prayer clause of the petition.

Learned counsel for the applicants/petitioners submitted that in compliance of order dated 27.11.2020, the Judicial Magistrate Ist Class, Sri Muktsar Sahib has also

recorded the factum of compromise qua offence under Section 406 IPC and has made the report dated 12.01.2021 in this regard.

In view of above, the present application is allowed. Offence under Section 406 IPC is ordered to be incorporated in the headnote and prayer clause of the petition.

Main case

[3]. Prayer in this petition is for quashing of FIR No.122 dated 26.11.2018 registered under Sections 498-A/406 IPC at Police Station Bariwala District Sri Muktsar Sahib along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[4]. Notice of motion was issued on 27.11.2020 and the parties were directed to appear before the trial Court/Ilalaqa Magistrate for recording their statements in respect of genuineness of the compromise in question.

[5]. In compliance of the aforesaid order, a report has been received from the Judicial Magistrate Ist Class, Sri Mukatsar Sahib. Relevant part of the said report reads as under:-

“Parties appeared before me being today i.e. 07.01.2021 in view of the directions of the Hon'ble High Court and statements of the complainant Kiranjeet Kaur daughter of Baldev Singh resident of Ward No.4, Mandi

Bariwala, Tehsil & District Sri Muktsar Sahib and accused persons namely Chanderjit Singh son of Inderpal Singh, Inderpal Singh son of Gurdass Singh, Manjeet Kaur wife of Inderpal Singh and Manpreet Kaur wife of Amandeep Singh alias Goldy were recorded.

As per statement got recorded by the complainant namely Kiranjeet Kaur and accused persons namely Chanderjit Singh, Inderpal Singh, Manjeet Kaur and Manpreet Kaur, compromise has been effected between them with the intervention of Panchyat and respectable persons and they have amicably settled their dispute in order to maintain peace and harmony between them and for welfare in future and same is voluntarily, without any pressure or coercion. Complainant Kiranjeet Kaur further stated that she has no objection if the instant FIR no.122 dated 26.11.2018 under Sections 498-A of IPC and Section 406 IPC added later on, Police Station Bariwala be quashed. All the accused have further stated that no criminal proceedings and proclamation proceedings are pending against them. They further placed on record photocopies of their Adhar Cards as their identity proofs.

Statement of ASI Narinderpal No.727/SMS also recorded to the effect that there are four accused persons namely Chanderjit Singh, Inderpal Singh, Manjeet Kaur and Manpreet Kaur are in the said FIR. He further stated that no criminal proceedings are pending against the above said accused persons. He further stated that no Proclamation Proceedings are pending against the above said accused persons. The parties were duly identified by their Counsel.

After going through the various statements on record, it is clear that both the parties have effected compromise. The undersigned is of the view that the compromise is genuine, voluntary and without any coercion

or undue influence. The present compromise appears to have been affected with the intervention of respectable persons and to avoid future litigation. Further it is also submitted that there is only one complainant namely Kiranjeet Kaur daughter of Baldev Singh resident of Ward No.4, Mandi Bariwala and four accused persons namely Chanderjit Singh, Inderpal Singh, Manjeet Kaur and Manpreet Kaur in the present FIR and the present case is now fixed for prosecution evidence. Further from the above mentioned statements and from the statement of ASI Narinderpal No.727/SMS, it is clear that none of the accused has been declared proclaimed offender in any criminal case. No criminal case is pending against any of the accused. The report along with statements as directed are submitted for your kind perusal please.”

[6]. Perusal of the aforesaid report would show that the parties have appeared before the Court on 07.01.2021 and have recorded their statements in respect of genuineness of the compromise. 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.

[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.122 dated 26.11.2018 registered under Sections 498-A/406 IPC at Police Station Bariwala District Sri Muktsar Sahib as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[9]. Petition stands disposed of.

February 08, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No