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

**CRM-M No.25684 of 2020(O&M)
Date of Decision: 12.01.2021**

Davinder Kapoor and another

.....Petitioner

Vs

State of Punjab and others

.....Respondents

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

Present:Mr. B.S. Jaswal, Advocate
for the petitioners.

Mr. Sarabjit Singh, AAG, Punjab.

Mr. Ramesh Sharma, Advocate
for respondents No.2 and 3.

RAJ MOHAN SINGH, J. (Oral)

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

[2]. Prayer in this petition is for quashing of FIR No.37 dated 30.10.2019 registered under Sections 498-A, 406 IPC at

Police Station Women Cell, Amritsar along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Vide order dated 14.10.2020, parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in respect of genuineness of the compromise in question.

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

"2 In pursuance of the order passed by the Hon'ble Court in the above mentioned Criminal Miscellaneous, I have the honour to submit that on 26.11.2020, accused/petitioners Davinder Kapoor and Geeta Kapoor appeared before the court of the undersigned. The statement of respondent/complainant Amarjit Singh Walia and Jasmine Walia got recorded to the effect that the matter has been compromised between the complainant and all the accused. Both the respondent Jasmine Walia and accused Davinder Kapoor vide their separate statements stated that presently they are residing together. They placed on record photocopy of compromise as Ex.CW1. The accused Davinder Kapoor and Geeta Kapoor got recorded their separate statements qua the effect of compromise.

3. I have the honour to submit that I have gone

through the statements given by the parties and asked various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise has been effected between the parties and is without any pressure, coercion, duress, threat or undue influence. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. As directed by your goodself the report is as under:-

1. The compromise is genuine, voluntarily made, without any threat, coercion, duress and out of free will of the parties.

2. There are two accused arrayed in the FIR namely Davinder Kapoor and Geeta Kapoor.”

[5]. In view of report submitted by the trial Court, this Court is of the firm opinion that in view of compromise between the parties, there would be remote and negligible chances of the witnesses coming forward to depose in favour of the prosecution version. There would be remote chances of conviction, therefore, in order to put an end to the controversy for all times to come, exercise of inherent powers under Section 482 Cr.P.C would be in the interest of justice to facilitate both the parties to arrive at peaceful resolution of the dispute and also to maintain public tranquility in the area. The offence is

personal in nature and the same does not involve any mental depravity and also does not involve any offence under Prevention of Corruption Act. In such situation, exercise of inherent jurisdiction in terms of Section 482 Cr.P.C would be in consonance with the requirement of law to meet ends of justice and to prevent unnecessary continuation of criminal proceedings, which would ultimately result in vacuum. Powers under Section 482 Cr.P.C can be exercised 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.**

[6]. 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.

[7]. Resultantly, FIR No. 37 dated 30.10.2019 registered under Sections 498-A, 406 IPC at Police Station Women Cell, Amritsar as well as all the subsequent proceedings arising

therefrom, are hereby quashed.

[8]. Petition stands disposed of.

12.01.2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No