

230

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.30744 of 2020 (O&M)

Date of Decision: 15.01.2021

RAMANDEEP SINGH AND OTHERS

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

Mr. Pranav Handa, Advocate
for respondent No.2.

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.25 dated 21.11.2016 registered under Sections 406/498-A IPC at Police Station Women, Ferozepur, District Ferozepur, along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Vide order dated 01.10.2020, 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, both the parties appeared before the Judicial Magistrate Ist Class, Ferozepur on 26.10.2020 for recording their statements in the context of genuineness of the compromise. A report dated 27.10.2020 has been received from the Judicial Magistrate Ist Class, Ferozepur. The relevant part of the report reads as under:-

“The complainant Mandeep Kaur wife of Ramandeep Singh son of Gurmeet Singh daughter of Sher Singh, resident of Village Fatehgarh Gehri, Tehsil Guruharshai District Ferozepur came present and has made a statement that FIR no.25 dated 21.11.2016, under Sections 406/498-A of IPC, was registered at P.S. Women Ferozepur, against the accused namely Ramandeep Singh son of Gurmeet Singh, Gurmeet Singh son of Jora Singh and Pardeep Kaur @ Ashoki wife of Gurmeet Singh, residents of Village Rameana, Tehsil Jaito, District Ferozepur. Now, she has effected a compromise with the accused/petitioners with the intervention of the respectables. There was no other accused except the above said persons. The compromise has been effected out of her freewill, without any pressure and inducement from any corner. The FIR may kindly be quashed on the basis of compromise.

Similarly, accused/petitioners Ramandeep Singh son of Gurmeet Singh, Gurmeet Singh son of Jora Singh

and Pardeep Kaur @ Ashoki wife of Gurmeet Singh, residents of Village Rameana, Tehsil Jaito, District Ferozepur came present and made a joint statement that FIR No.25 dated 21.11.2016 under Sections 406/498-A of IPC, was registered against them in Police Station Women Ferozepur. They have effected compromise with the complainant Mandeep Kaur after the intervention of respectables. The compromise has been effected out of their freewill, without any pressure of inducement. There is no other accused person except them in the present case.

Further, statement of ASI Pritam Singh No.936, PS Women Cell, Ferozepur got recorded wherein, he deposed that he is the present Investigating Officer in the present case. There are only three accused namely, Ramandeep Singh, Gurmeet Singh and Pardeep Kaur in the present case and none of the accused has been declared as Proclaimed Offender in the present case.

Furthermore, from the statements of the parties on the both sides as well as the statements of Arvinder Singh (brother of Mandeep Kaur) it is revealed that the compromise effected between the parties seems to be genuine, voluntary and without pressure from any corner.

As per the statements of the parties as well as ASI Pritam Singh, there are only three accused namely, Ramandeep Singh, Gurmeet Singh and Pardeep Kaur in the present case.

As per the statements ASI Pritam Singh No.936, no person has been declared as 'Proclaimed Offender' in the present case.

Statement of complainant-respondents, joint statement of the accused/petitioners, statement of present Investigating Officer, and copy of order dated 01.10.2020 passed by the Hon'ble Punjab and Haryana High Court,

Chandigarh are attached for kind perusal.

The report is submitted please.”

[5]. In view of report submitted by the Judicial Magistrate Ist Class, Ferozepur, 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.25 dated 21.11.2016 registered under Sections 406/498-A IPC at Police Station Women, Ferozepur, District Ferozepur as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

January 15, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No