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

**CRM-M No.31657 of 2020(O&M)
Date of Decision: 18.01.2021**

Jagjyot Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present: Mr. Atul Goyal, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. G.S. Jossan, 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.0002 dated 08.06.2020 registered under Sections 498-A, 406 IPC at Police Station Women, Ferozepur, District Ferozepur along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Notice of motion was issued on 08.10.2020 on the basis of compromise that the parties have resolved their difference by filing a petition under Section 13-B of the Hindu Marriage Act. First motion statement was recorded by the family Court on 08.07.2020. This Court has noticed in the aforesaid order that 12.01.2020 was the date fixed for recording second motion statement. Today both the parties are ad idem that after recording of second motion statement, divorce has been granted under Section 13-B of the Hindu Marriage Act.

[4]. In compliance of order dated 08.10.2020, both the parties have appeared before CJM, Ferozepur. Their statements have been recorded by the Court and after recording their statements CJM, Ferozepur has made the following report:-

“As per order of Hon'ble Punjab & Haryana High Court, the parties appeared before the undersigned, on 12.01.2021, and recorded their respective statement in respect of compromise effected.

Complainant, Neelu Walia recorded her statement that the present FIR, was registered at her instance, and she has effected compromise in the present case with the accused namely, Jagjyot Singh, Mohan Singh and Harwinder Kaur, with the intervention of the respectables of locality without any inducement, pressure, threat or coercion and the compromise deed

has already been submitted in the Hon'ble High Court, is genuine and voluntary. She further stated that she has no objection, if as per the compromise, the proceeding in the above said FIR are quashed against all the petitioners/accused. Similarly, all the accused named above, have suffered separately recorded joint statement to the aforesaid effect. They have been duly identified by counsel. Copy of statement of complainant, and that of accused named above, is enclosed herewith.

Further, as desired, it is submitted that

- 1. There are three number of accused and no accused is proclaimed offender.*
- 2. The name of complainant is Neelu Walia and all of them have appeared and made their statement in support of compromise.*
- 3. The stage of trial is presentation of challan.*
- 4. From the perusal of statement of parties, it appears that the statement of parties are bonafide and are not result of any pressure or coercion etc., in any manner;*

Statement of ASI Tarlok Singh, No.260/FZR, has been recorded separately, to the aforesaid effect, as desired, which is also enclosed herewith for your Honour's kind perusal.

Submitted with regards.”

[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.0002 dated 08.06.2020 registered under Sections 498-A, 406 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.

18.01.2021

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No