

216 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28235-2021
Date of Decision: 16.12.2021

Jasvir Singh

... Petitioner

v/s

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Prashant Vashisth, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Saqib Ali Khan, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 08 dated 27.04.2017, under sections 406, 498-A IPC registered at Police Station NRI, Ludhiana City and all the consequential proceedings arising therefrom, on the basis of compromise.

Mr. Saqib Ali Khan, Advocate has put in appearance on behalf of respondent No.2. He has filed his Vakalatnama and admits the factum of compromise.

On 22.07.2021, notice of motion was issued and on 28.10.2021, parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them. The Trial Court was directed to record the statements of all the concerned and sent his report regarding genuineness of the compromise.

In compliance of the order dated 28.10.2021, learned Chief Juicial Magistrate, Ludhaina has recorded the statements of the parties and submitted his report, which reads as under:

“In reference to captioned subject, I beseech the honour to submit that vide order dated 28.10.2021, passed by Hon'ble Punjab & Haryana High Court, in CRM-M-28235-2021 titled Jasvir Singh Vs. State of Punjab and anr., both the parties were directed to appear before this court on 16.11.2021 for recording their statements regarding the matter having been compromised in case bearing FIR No. 08 dated 27.04.2017, under sections 406, 498-A IPC registered at Police Station NRI, Ludhiana. Further, this court was directed to report with regard to genuineness of compromise and to intimate as to whether any PO proceedings are pending against any of the party.

2. In compliance of the directions of Hon'ble High Court, complainant Kulwant Kaur d/o Mohinder Singh and accused Jasvir Singh son of Dalip Singh have appeared before this court on 16.11.2021. further, Investigation Officer SI Raj Kumar No. 1988/Ldh. P.S. NRI, Ludhiana has appeared before this court on 17.11.2021.

3. It is respectfully submitted that complainant Kulwant Kaur has suffered statement that the present FIR was got registered by her against accused Jasvir Singh and now, she has compromised the matter with accused Jasvir Singh with the intervention of respectable persons of the locality, with her free will, voluntarily and without any pressure, threat, undue influence or coercion on the part of anybody. She has further stated that

compromise deed dated 06.04.2021 has been executed between them and exparte decree of divorce has also been granted in her favour by the court of Sh. Rakesh Kumar, Ld. Principal Judge, Family Court Ludhiana, vide judgment dated 13.02.2020. She has further stated as per compromise deed dated 06.04.2021, she has received a bank draft bearing No. 739410 dated 15.11.2021 amounting to Rs.2,00,000/- in her favour from accused Jasvir Singh and now nothing is due towards accused Jasvir Singh and she does not want to pursue the present case and has no objection in case the present FIR No. 08 dated 27.04.2017, under sections 406, 498-A IPC registered at Police Station NRI, Ludhiana alongwith subsequent proceedings are quashed against the accused. She has further stated that neither she is involved in any criminal case, nor has been declared as proclaimed offender nor any proclamation proceedings are pending against her. Copy of statement of complainant Kulwant Kaur, compromise deed Mark-A, copy of bank draft Mark-B and copy of her Aadhar card Mark-C are also enclosed herewith.

4. Similarly, accused Jasvir has suffered separate statement that present FIR was got registered by complainant Kulwant Kaur, against him and now he has compromised the matter with the complainant Kulwant Kaur with the intervention of respectable persons of the locality, with his free will, voluntarily and without any pressure, threat, undue influence or coercion on the part of anybody. He has further stated that compromise deed dated 06.04.2021 has been executed between him and

complainant Kulwant Kaur, and as per compromise he has handed over a bank draft bearing No. 739410 dated 15.11.2021 amounting to Rs.2,00,000/- to complainant Kulwant Kaur and now nothing is due towards him. He has further stated that neither he has been declared as proclaimed offender nor any proclamation proceedings are pending against him nor he is involved in any other criminal case. Copy of statement of accused Jasvir Singh and copy of his Aadhar card Mark-D are also enclosed herewith.

5. In view of the statements of the parties, as detailed hereinabove, it emerges on record that the matter has been compromised between them with the intervention of respectable persons of the locality, out of their free will, voluntarily and without any pressure, threat, undue influence or coercion from any quarter.

6. It is further respectfully submitted that in view of the statement of Investigation Officer SI Raj Kumar No. 1988/Ldh. P.S. NRI, Ludhiana, it emerges on record that the present FIR was got registered by complainant Kulwant Kaur against accused Jasvir Singh and neither accused Jasvir Singh nor complainant Kulwant Kaur are involved or declared proclaimed offenders in the present case or in any other criminal case.

7. Accordingly, report is being submitted please.”

The matrimonial dispute has been amicably settled between the parties. The marriage has been dissolved by an ex parte decree of divorce.

After hearing learned counsel for the parties and going through

the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise (Annexure P-2). The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

Accordingly, the present petition is allowed and FIR No. 08 dated 27.04.2017, under sections 406, 498-A IPC registered at Police Station NRI, Ludhiana City and all the consequential proceedings arising therefrom are quashed qua petitioner.

16.12.2021

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No