

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-31925-2021

Date of Decision: 06.12.2021.

NARINDER PAL AND ANOTHER ... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sandeep K. Bansal, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Gulrej Khan, Advocate for
Mr. Jimmi Singla, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.128 dated 06.12.2020 under Sections 312, 313, 498-A, 323, 506 and 120-B IPC (Sections 313 and 312 IPC deleted vide general diary No. 19 dated 31.01.2021) registered at Police Station Bhadaur, District Barnala and all consequential proceedings arising therefrom on the basis of compromise.

On 08.10.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 08.10.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Barnala has sent the report to the following effect:-

“I have the honour to submit that Hon'ble High Court, vide order dated 08.10.2021 passed in CRM-M-31925-2021, has directed this Court to record the statements of the parties with regard to compromise and to report regarding the genuineness of the compromise and also to intimate whether any PO proceedings are pending against any of the party.

In compliance, statements of petitioner/accused namely Narinder pal and Priya Sharma as well as respondent No.2/complainant Tamanna, on identification of their respective counsels, have been recorded, whereby both the parties have admitted the effectiveness of compromise among themselves. They also made the statements regarding the genuineness of the compromise. They further stated that the compromise between them is not the result of any fraud or misrepresentation and is the result of their free will. They further stated that PO proceedings are not pending against any of the party. They further stated that they have no objection if FIR of present case be quashed.

Statement of ASI Jasmail Singh, who is Investigating Officer of this case, has also been recorded. During his statement, ASI Jasmail Singh has stated that he is investigating officer of this case and the present case has been registered by Tamanna respondent no.2 against Narinder Pal petitioner no.1 and Priya Sharma petitioner no.2 and no any PO proceeding is pending against any of the party.

Ahlamd has also made report that as per record of this court, in this case no any PO proceeding is pending against any of the party.

From the above statements and reports, it appears that parties have voluntarily entered into compromise and the compromise between the parties is genuine and is not the result of any fraud or misrepresentation and is the result of free will of the parties and no any PO proceeding is pending against any of the party.

Hence, report along-with statements of the parties, is submitted, please. ”

It has been stated that the parties are residing separately and a separate petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent has already been instituted. Statements of the parties at the stage of first motion have also been recorded. It has been further stated that offences under Sections 312 and 313 IPC have been deleted.

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. The compromise is without any pressure and 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***.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.128 dated 06.12.2020 under Sections 312, 313, 498-

A, 323, 506 and 120-B IPC (Sections 313 and 312 IPC deleted vide general diary No. 19 dated 31.01.2021) registered at Police Station Bhadaur, District Barnala and all consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

06.12.2021
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No