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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.27942 of 2020
Date of Decision: 15.01.2021

KARAMJIT SINGH AND ANR

.....Petitioners

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amit Gupta, Advocate
for the petitioners.

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

Mr. P.S. Thiara, 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.83 dated 05.05.2020 registered under Sections 354, 354-A, 323, 506, 34 IPC at Police Station Sadar, Patiala, along with all subsequent proceedings on the basis of compromise.

[3]. Vide order dated 05.09.2020, 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 Civil Judge (Jr. Divn.) Patiala on 23.09.2020 for recording their statements in the context of genuineness of the compromise. A report dated 24.09.2020 has been received from the Civil Judge (Jr. Divn.) Patiala. The relevant part of the report reads as under:-

1. *It is respectfully submitted that in compliance with above referred order, parties i.e. Karamjit Singh and Rajwinder Kaur, petitioners and Simranjit Kaur @ Simple, respondent no.2, to the above petition, appeared alongwith their counsels before this court, today i.e. 23.09.2020.*

2. *It is further submitted that respondent no.2 Simranjit Kaur @ Simple got recorded her statement that said FIR was got registered by her against accused Karamjit Singh and Rajwinder Kaur and now with the intervention of respectables, matter has been compromised between her and accused. She stated that he has compromised the matter, with her free will, without any pressure or coercion and now nothing is due against each other and she has no objection if the FIR against accused is quashed. She further stated that she has no identity proof with her except her school certificate and she produced copy of the same as Ex.A1 and her affidavit, in this regard as Ex.A2. On said date, accused Karamjit Singh and Rajwinder Kaur, also suffered a statement that complainant Simaranjit Kaur got registered case against*

them and now with the intervention of respectables, matter has been compromised between them and complainant. They stated that they compromised the matter without any coercion or pressure. Copies of their Aadhar Card are Ex.A3 and Ex.A4.

Thereafter, ASI Prem Chand, No.781/Patiala, has suffered a statement that he is the investigating officer of the case FIR no.83 dated 05.05.2020. U/Ss 354/354-A/323/506/34 IPC, PS Sadar, Patiala. The present case was got registered by complainant Simranjit Kaur against accused Karamjit Singh s/o Sarwan Singh and Rajwinder Kaur w/o Karamjit Singh residents of Alipur Jattan, Tehsil & District Patiala and accused were arrested under the order of the Hon'ble Punjab and Haryana High Court, Chandigarh. He further stated that said accused have never been declared proclaimed offender in this case and challan has never been presented till date. He stated that the complainant has furnished duly attested affidavit dated 26.06.2020 in which she has stated regarding the compromise between the parties.

In view of the above referred statements, after hearing the parties and going through the record, report is submitted as under:-

- “1. This case was registered against only two accused namely Karamjit Singh and Rajwinder Kaur and still no one is facing trial as challan has not been presented before the court.*
- 2. No accused has been declared proclaimed offender at any stage.*
- 3. The compromise effected between the parties is genuine, without any pressure or*

coercion.

Report in the matter is accordingly submitted for kind consideration and for further directions, if any. Statements and documents referred above, are also enclosed herewith for kind consideration.

Thanking you.”

[5]. In view of report submitted by the Civil Judge (Jr. Divn.) Patiala, 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.83 dated 05.05.2020 registered under Sections 354, 354-A, 323, 506, 34 IPC at Police Station Sadar, Patiala, 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