

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

Sr. No.206

CRM-M-31588-2020

Date of Decision: 22.01.2021

DARA SINGH

...Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Ashish Pal Kaushal, Advocate,
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. G.S. Sandhu, Advocate,
for respondent No.2.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioners have invoked inherent jurisdiction of this Court by way of filing petition under Section 482 Cr.P.C., thereby making prayer for quashing of FIR No.113 dated 03.07.2017 under Sections 498-A and 354 of Indian Penal Code registered at Police Station Garhshankar, District Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise dated 15.09.2020, which is stated to have been effected between the parties.

At the very outset, it is submitted by learned counsel for the petitioner that the ibid FIR had been got registered by Neelam Kumari, who is wife of the petitioner. This FIR was got recorded due to some misunderstanding on account of matrimonial discord between them. However, now, they have settled the dispute. Initially the FIR was got registered under Sections 498-A and 354 IPC, but however, offence under Section 354 IPC has been deleted.

On 08.10.2020, notice of motion was issued and parties were directed to appear before the Illaqa Magistrate and get their statements recorded with regard to arrival of compromise between them. The Trial Court was directed to record the statements of all the concerned and send the report regarding genuineness of the compromise.

In compliance of the order dated 08.10.2020, learned Sub-Divisional Judicial Magistrate, Garhshankar, has recorded the statements of the parties and submitted his report, the relevant paragraph whereof reads as under:-

“1. After going through the statements of the parties and on asking the parties, it is crystallized that the compromise has been arrived at genuinely and is made voluntarily without any pressure of coercion.”

After hearing the learned counsel for the parties and also 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 an settlement, out of the Court, by way of compromise. The compromise, so reached between the parties is voluntarily made, without any pressure or undue influence, on the minds of any of the parties. The arrival of compromise shall give quietus to the matrimonial dispute between the parties.

In view of the same, the continuation of the criminal proceedings would be futile exercise resulting in sheer abuse of the process of law.

To so conclude, reliance is placed upon “*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 aforesaid fact situation of the case, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.113 dated 03.07.2017 under Sections 498-A and 354 of Indian Penal Code registered at Police Station Garhshankar, District Hoshiarpur and all the consequential proceedings arising therefrom, are ordered to be quashed.

Accordingly, the present petition stands allowed.

(ARCHANA PURI)
JUDGE

22.01.2021
himanshu

Whether speaking/reasoned	Yes
Whether reportable	No