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

**CRM-M No.35297 of 2020(O&M)
Date of Decision: 18.01.2021**

Bharpoor Singh and others

.....Petitioners

Vs

State of Punjab and another

.....Respondents

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

Present: Mr. Gurinder Singh Hayer, Advocate
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. G.S. Simble, Advocate
for the complainant.

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.107 dated 28.08.2019 registered under Sections 452, 341, 324, 506, 120-B IPC at Police Station Sadar Muktsar, District Sri Muktsar Sahib along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Vide order dated 02.11.2020 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, the trial Court has reported to the following effect:-

"I have the honour to submit that vide order dated 02.11.2020 in CRM-M-35297 of 2020, the Hon'ble Punjab and Haryana High Court, Chandigarh directed the parties to appear before the Trial Court/Illaqa Magistrate on 09.12.2020 and to get record their statements regarding compromise. The Illaqa Magistrate/Trial Court was directed to send the same along with the report regarding the genuineness of the compromise.

On 09.12.2020, all the parties except accused Sardool Singh came present. It was stated that Sardool Singh could not come as he was feeling sick due to which statements of all the parties present and the Investigating Officer were recorded on 09.12.2020 and notice to Sardool Singh was issued for 14.12.2020. On 14.12.2020, statement of Sardool Singh was also recorded.

Complainant Jasdeep Singh got recorded his statement to the effect that the present FIR was got registered by him against Bharpoor Singh, Parminder Kaur, Sardool Singh, Jaspreet Kaur, Jaswinder Singh,

Balwinder Singh and Harmeet Singh on the allegations that on 27.08.2019, at about 5:15PM, they all illegally entered his house and caused him injuries. He also stated that accused Harmeet Singh has died on 14.09.2019 and all the accused are from family of his in-laws and accused Jaspreet Kaur is his wife. He was having matrimonial dispute with her due to which the occurrence in question took place. He also stated that now panchayat and respectable persons of society have got compromise effected between them and he has entered into aforesaid compromise with his own sweet will without any pressure and same is voluntary on his part. He also stated that they have also filed petition Under Section 13-B of the Hindu Marriage Act. He also stated that no case is pending against him in any court and he was not declared as proclaimed offender in any case at any time. He also tendered copy of his identity card as Ex.CA for the purpose of ascertaining his identity and copy of compromise deed as Mark-A.

Similarly separate statements of Bharpoor Singh, Parminder Kaur, Sardool Singh @ Sulla Singh, Jaspreet Kaur, Jaswinder Singh and Balwinder Singh were also recorded who stated that the present FIR was got registered by Jasdeep Singh against them on the allegations that they caused injuries to him after illegally entry into house due to matrimonial dispute between Jasdeep Singh and Jaspreet Kaur. They also unanimously stated that now panchayat and respectable persons of society have got compromise

effected between them and they have entered into compromise with their own sweet will without any pressure on anybody. They also stated that Jasdeep Singh and Jaspreet Kaur have already filed petition for divorce by way of mutual consent. They also stated that no case is pending against them in any court and they have not been declared as proclaimed offender in any case at any time. They also tendered copies of their identity cards as Ex.CB to Ex.CG for the purpose of ascertaining their identities and copy of compromise deed as Mark-A.

Statement of ASI Bhupinder Singh, the investigating officer of this case was also recorded who stated that there are seven number of persons arrayed in the present FIR as accused. Out of them Harmeet Singh son of Bharpoor Singh died on 14.09.2019. He also stated that he collected copy of his death certificate during investigation and tendered copy of the same as Mark-B. He also stated that the case is still under investigation as it was reported that parties have compromised. He also stated none of the accused was arrested in this FIR and none of accused is proclaimed offender.

In view of the aforesaid statements, the report as desired by Hon'ble Punjab and Haryana High Court is hereby submitted as follows:-

1. Seven number of persons namely Harmeet Singh, Balwinder Singh, Bharpoor Singh, Parminder Kaur Sardool Singh @ Sulla Singh, Jaswinder Singh and

Jaspreet Kaur are arrayed as accused in the FIR.

1. As per the statement of Investigating Officer and record, none of accused is proclaimed offender.

3. The FIR is still under investigation and no challan has been presented in the Court so far.

4. The compromise effected between the parties appear to be genuine, voluntary and without and coercion or unde influence.

5. As per the statement of Investigating Officer and copy of the death certificate of accused Harmeet Singh, he died on 14.09.2019.

Therefore report alongwith statements of parties and documents as desired by Hon'ble Court is submitted with a request to put up before Hon'ble Punjab & Haryana High Court in CRM-M-35297-2020 pending for 18.01.2021.”

[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.107 dated 28.08.2019 registered

under Sections 452, 341, 324, 506, 120-B IPC at Police Station Sadar Muktsar, District Sri Muktsar Sahib as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

18.01.2021

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No