

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41026-2021

Date of Decision:30.11.2021

GURPREET SINGH AND OTHERS ... PETITIONERS
VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Kanwaljeet Singh, Advocate, for the petitioners.

Ms. Ruchika Sabarwal, AAG, Punjab.

Mr. J.S.Mehal, Advocate for
Mr. Satvir Singh, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

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.150 dated 30.07.2021 under Sections 323/506/406/498-A/34 IPC, registered at Police Station Sadar Khanna, District Ludhiana and all the subsequent proceedings arising therefrom, on the basis of compromise.

On 30.09.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 30.09.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Khanna has sent the report to the following effect:-

“ I have the honour to submit that vide order dated 30.09.2021 passed by the Hon'ble Punjab & Haryana High Court, Chandigarh in CRM-M-41026-2021 titled as “Gurpreet Singh and others Vs. State of Punjab &

Anr.”, the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements on 29.10.2021, with regard to compromise arrived at between the parties in case bearing FIR No. 150 of 30.07.2021 registered under Sections U/s 323, 506, 406, 498-A, 34 of IPC, Police Station Sadar, Khanna, District Ludhiana, and to send a report accordingly. In compliance of the same, the parties i.e. complainant-Manjot Kaur and the accused persons namely Gurpreet Singh, Pargat Singh and Sukhwinder Kaur, appeared before the Court of undersigned. Their statements were recorded. The copy of notarized compromise has been placed on record as Ex.C1. The complainant-Manjot Kaur, was duly identified by her counsel Sh. Sikandr Mehta, advocate and complainant-Manjot Kaur also placed on record copy of her Aadhar card as Mark A. Accused namely Gurpreet Singh, Pargat Singh and Sukhwinder Singh placed on record copy of their Aadhar cards as Mark B to Mark D respectively, and they are identified by counsel Sh. Bhavnik Kaura, advocate. In view of the statements so suffered by the parties, this Court is of the considered view that the parties seem to have arrived at a voluntary compromise, which appears to be genuine and out of free will of the parties. Further, this Court was also directed to furnish the information as under:

(i) Whether the compromise is genuine, voluntary and without any coercion or undue influence.

- It is hereby submitted that statements were recorded in which the complainant Manjot Kaur and the accused namely Gurpreet Singh, Pargat Singh and Sukhwinder Singh, expressed themselves having reached a compromise. As such, the said compromise ex facie seems to be genuine, voluntary and without any pressure, threat, coercion or undue influence.

(ii) *Whether any PO proceeding are pending against any of the party?*

- *It is hereby submitted that In view of the statements so suffered by the parties, no PO proceedings are pending against any of the party.*

The requisite report is accordingly submitted please.”

It has been stated that petitioner No.1 and respondent No.2 have happily started residing together as husband and wife.

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.150 dated 30.07.2021 under Sections 323/506/406/498-A/34 IPC, registered at Police Station Sadar Khanna, District Ludhiana and all the subsequent 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.

30.11.2021
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(VIVEK PURI)
JUDGE

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