

233

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

**CRM-M No.36485 of 2020(O&M)
Date of Decision: 07.01.2021**

Gopal

.....Petitioner

Vs

Union Territory Chandigarh and another

.....Respondents

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

Present:Mr. R.K. Dogra, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, APP, UT, Chandigarh.

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.43 dated 25.05.2017 registered under Sections 406, 498-A IPC at Women Police Station, Sector-17, Chandigarh along with all subsequent proceedings arising therefrom on the basis of compromise.

[3]. Vide order dated 06.11.2020, 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 submitted its report to the following effect:-

“2. As per directions of Hon'ble High Court, on dated 22.12.2020 complainant Kiran got recorded her statement that she has got the above said FIR registered against the accused Gopal. Now with the intervention of well wishers, common friends and respectable persons, she has amicably settled the dispute with the accused namely Gopal before Mediation and Conciliation Centre, District Court, Chandigarh. The copy of compromise deed dated 21.11.2019 is Ex.C1. This compromise has been effected voluntarily and without any pressure or undue influence from any side. This compromise is voluntary and genuine and now she has no grudge against the above named accused. There is only one accused namely Gopal in the present FIR and has not been declared proclaimed offender. She has no objection, if the present FIR is quashed as per the compromise Ex.C1. She reaffirms the contents of the compromise deed Ex.C1.

3. Thereafter, accused Gopal got recorded his separate statement that he has been arrayed as accused in FIR No.43 dated 25.05.2017, under Section 406, 498-A IPC, Police Station, Women, Sector-17, UT Chandigarh. Now with the intervention of well wishers,

common friends and respectable persons, he has amicably settled his disputes with the complainant namely Kiran. The copy of compromise deed is Ex.C1. This compromise is voluntary and genuine. He is the only accused in the present case FIR and has never been declared proclaimed offender. He reaffirms the contents of the compromise deed Ex.C1.

4. As per the report of Ahlmad, there is only one accused namely Gopal in the present case FIR, who has never been declared proclaimed offender. Since, the matter has been compromised by the complainant with the accused and the compromise is genuine and the complainant has no objection with regard to quashing of FIR on the basis of compromise, therefore, compromise is complete and good in the eyes of law. Report be sent to your goodself.”

[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.43 dated 25.05.2017 registered under Sections 406, 498-A IPC at Women Police Station, Sector-17, Chandigarh as well as all the subsequent

proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

07.01.2021

(RAJ MOHAN SINGH)
JUDGE

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No