

CRM-M-44142-2021

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

(253)

CRM-M-44142-2021.
Date of Decision:-20.12.2021.

Satnam Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Nishan Singh Chahal, Advocate for the petitioners.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Hemraj Bhardwaj, Advocate for respondent No.2.

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C. for quashing of No.12 dated 19.04.2021, registered under Sections 498-A and 406 of IPC at Police Station Women Cell, Bathinda, District Bathinda (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 16.07.2021 (Annexure P-3).

On 25.10.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Prayer in the instant petition is for quashing of FIR

No.12 dated 19.04.2021 under Sections 498-A and 406 of the

Indian Penal Code, 1860 registered at Police Station Women

CRM-M-44142-2021

Cell, Bathinda, District Bathinda, along with all consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioners submits that it is on account of matrimonial dispute between the parties that the FIR in question came to be registered against the petitioners. However, subsequently the matter has been amicably settled vide compromise dated 16.07.2021 (Annexure P-3).

Notice of motion.

At this stage, Mr. Hemraj Singh, Advocate, has put in an appearance on behalf of the complainant/respondent No.2. He does not dispute the submissions made by learned counsel for the petitioners and the factum of compromise between the parties. Power of Attorney be filed in the registry.

In view of the above, parties are directed to appear before the Illaqa Magistrate/trial court on 10.11.2021 for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial court is directed to record the statements of both the parties specifying the following:

- i. The name of the complainant and all accused arrayed in the FIR; whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- ii. Whether any of the accused has been declared a Proclaimed Offender;*

CRM-M-44142-2021

- iii. *iii. The stage of trial/proceedings;*
- iv. *iv. If the compromise so arrived at between the parties is genuine, voluntarily and out of free will.*

The Illaqa Magistrate/trial court is further directed to send a report alongwith statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.

Adjourned to 20.12.2021.”

In pursuance of the said order, the report has been submitted by the Judicial Magistrate First Class, Bathinda to the Registrar General of this Court. The relevant part of the report is reproduced hereinbelow:-

“In view of statements given by the parties and ASI Tasvir Singh following report is hereby submitted as desired by your’s goodself:-

- 1. It is respectfully submitted that in the present FIR no.12 dated 19.04.2021 under section 406, 498A Indian Penal Code, Police Station Women Cell, there is only one complainant namely Harmandeep Kaur and there are two accused namely Stanam Singh and Ajit Singh. Both the accused as well as complainant appeared before the court and suffered statement in support of compromise effected between them.*
- 2. It is further submitted that as per record no accused has been declared proclaimed offender.*
- 3. It is further submitted that challan has not been presented in the said FIR.*

CRM-M-44142-2021

4. *In view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter.*

This report along with statements of parties i.e. complainant Harmandeep Kaur, accused Satnam Singh and Investigating officer ASI Tasvir Singh are submitted, as desired by the Hon'ble High Court vide its order dated 25.10.2021.

Submitted please.

Yours faithfully,

Sd/-

*(Rajbeer Kaur)
Judicial Magistrate First Class,
Bathinda (UID No.PB0405)"*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with their own free will and without any coercion. The compromise has been found to be genuine and valid. As per the said report, it has been observed that none of the persons have been declared as proclaimed offenders in the present case.

Learned counsel for the petitioners has submitted that there is no other FIR against the petitioners and they were not declared proclaimed offender in the present case. Learned counsel for the State, as per instructions, has stated that this fact is correct.

CRM-M-44142-2021

Learned counsel for respondent Nos.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

This Court has heard the learned counsel for the parties and has perused the file. After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the petitioners and the complainant. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs State of Punjab”***, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court feel that the same was required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of ***“Gian Singh Vs. State of Punjab and another”***, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the

CRM-M-44142-2021

High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.12 dated 19.04.2021, registered under Sections 498-A and 406 of IPC at Police Station Women Cell, Bathinda, District Bathinda (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

(VIKAS BAHL)
JUDGE

December 20, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No