

**201-4 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-45492-2021

Date of decision: 22.12.2021

AMANPREET SINGH AND OTHERS

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Ragini Kakkar, Advocate for
Mr. Vaibhav Narang, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.
Mr. Gurinder Singh Dhillon, 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. 139 dated 01.04.2018 under Sections 377, 323, 506 and 34 IPC, 1860 (Sections 406, 498-A and 120-B IPC added later on) registered at Police Station Civil Lines, Amritsar, District Commissionerate, Amrtisar, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 02.11.2021, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 02.11.2021, learned Judicial Magistrate 1st Class, Amritsar has recorded the statements of the parties and submitted its report dated 01.12.2021, the contents whereof read as under:-

“Kindly refer to order dated 2-11-2021 passed in CRM-M-45492-2021 by the Hon'ble Punjab and Haryana High Court, Chandigarh.

1. I have the honour to submit that in compliance of order dated 2-11-2021, passed by Hon'ble High Court in CRM-M-45492-2021, statement of complainant namely Babita has been recorded in FIR No. 139 dated 1-4-2018 P.S. Civil Lines, Amritsar. As per her statement, she has effected the compromise with the accused voluntarily and without any misrepresentation, threat, Coercion or duress. She had placed on record compromise deed as Mark-A. As a mark of identity, she had placed on record copy of her adhar card.

2. Accused Amanpreet Singh, Pritpal Kaur, Parool, Kamaldeep Kaur, Jagatjeet Singh, Onkar Singh, Bhupinder Kaur and Joginder Singh have also got recorded their statement and they also stated that with the intervention of respectables, compromise has been effected and that parties have decided entered into same without any misrepresentation, undue influence or threat. They undertook to remain bound by their statements. As a mark of identity, they had placed on record copy of their adhar card.

3. Statement of investigating officer ASI Jaskaran Singh 559/ASR PSCivil Lines, Amritsar has also been recorded to the effect that FIR was registered dgainst accused Amanpreet Singh Pritpal Kaur, Parool, Kamaldeep Kaur, Jagatjeet Singh, Onkar Singh, Bhupinder Kaur and Joginder Singh and only these accused are involved in the present case. He further stated that no accused has ever been declared as proclaimed offender in the present case.

4. From the statement of complainant Babita and accused Amanpreet Singh, Pritpal Kaur, Parool, Kamaldeep Kaur, Jagatjeet Singh, Onkar Singh, Bhupinder Kaur and Joginder Singh so recorded by the undersigned, the compromise arrived at between the

parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner.

6. Kindly find enclosed herewith photocopies of statements of the complainant, accused, photo copies of their aadhar cards and photocopy of statement of ASI Jaskaran Singh 559/ASR PS Civil Lines, Amritsar and copy or compromise deed Mark-A.

7. The report with regard to Compromise on the basis of statements of the parties along-with statements of the parties, as directed by the Hon'ble High Court, is accordingly being submitted for perusal by His Lordship please.

Accordingly the report is being submitted.”

Learned counsel for the petitioners contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 13.10.2021 (Annexure P-2). There are 11 different cases pending between the parties and all the said cases stand settled in terms of the compromise. The parties have also agreed to dissolve the marriage by preferring a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent.

Learned counsel for respondent No.2 has admitted the fact of compromise and has not objection if the FIR is quashed.

After hearing the 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. 139 dated 01.04.2018 under Sections 377, 323, 506 and 34 IPC, 1860 (Sections 406, 498-A and 120-B IPC added later on) registered at Police Station Civil Lines, Amritsar, District Commissionerate, Amrtisar and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

22.12.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No