

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45130-2021

Date of Decision:25.11.2021

LAKHVIR SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vishal Thakur, Advocate, for the petitioner.

Ms. Ruchika Sabarwal, AAG, Punjab.

Mr. Kapil Kumar, 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.267 dated 27.11.2020 under Sections 498-A and 406 IPC, registered at Police Station Model Town, Hoshiarpur and all the consequential proceedings arising therefrom, on the basis of compromise.

On 29.10.2021, notice of motion was issued and parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 29.10.2021, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Hoshiarpur has sent the report to the following effect:-

“The subject cited case has arisen out of FIR No.267 dated 27.11.2020, under Sections 498-A, 406 IPC, police station Model Town, Hoshiarpur. It is respectfully submitted that as per order dated

29.10.2021 passed by the Hon'ble High Court, accused Lakhvir Singh S/o Sarvan Singh as well as complainant Jasvir Kaur W/o Lakhvir Singh appeared in this court on 10.11.2021 and got recorded their statements to the effect that they have effected a compromise voluntarily and without any pressure (statements of parties attached herewith). The complainant stated that she has no objection if the FIR against the accused is quashed. The compromise has been effected between her and the accused voluntarily and with her own sweet will and the accused has not pressurized or used coercion upon her for effecting the compromise. The accused also suffered statement in this regard.

After going through the statements of the complainant, as well as accused, I am of the considered view that, the compromise between the parties is effected voluntary, without any pressure or coercion. In these circumstances, it seems that genuine compromise has been effected between the parties. As per the statement of the Investigating Officer ASI Onkar Singh No.207 HPR at present posted at PS Model Town, Hoshiarpur, the present FIR was registered against one accused person only namely Lakhvir Singh S/o Sarwan Singh and further stated that no accused is declared proclaimed offender in this case. Hence, the report is submitted please as desired.”

It has been stated by learned counsel for the complainant that both the parties are happily residing together.

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.267 dated 27.11.2020 under Sections 498-A and 406 IPC, registered at Police Station Model Town, Hoshiarpur and all the consequential 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.

25.11.2021

smriti

(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No