

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

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**CRM-M No.40877 of 2020
Date of Decision: 16.02.2021**

RAJNEESH THAKUR AND ANOTHER Petitioners

Vs

STATE OF PUNJAB AND ANOTHER Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. G.S.Dhaliwal, Advocate for the petitioners.
 Mr. Bhupender Beniwal, AAG Punjab.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for quashing of FIR No.94 dated 19.06.2019 registered under Sections 406, 498-A IPC at Police Station Women Cell, Ludhiana District Ludhiana along with all the subsequent proceedings arising therefrom, on the basis of compromise.

Learned counsel for the petitioners submits that the divorce under Section 13-B of the Hindu Marriage Act has already been granted by Principal Judge, Family Court, Ludhiana on 18.09.2020.

Notice of motion was issued on 08.12.2020 and the parties were directed to appear before the Illaqa Magistrate for recording their statements in respect of genuineness of the compromise in question.

In compliance of the aforesaid order, a report has

been received from the Judicial Magistrate, 1st Class, Ludhiana.

Relevant part of the said report reads as under:-

“ Accordingly, the statements of the complainant/respondent Shivani @ Shalu @ Shivani Kumari D/O Joginder Singh aged about 25 years, earlier R/o (19/33), Jalari, Hamirpur, Himachal Pradesh, Presently residing at 1381, Ram Nagar, aged about 31 years, earlier R/o 1922-A, Pillanji, Kotla Mubarakpur, Lodhi Road, New Delhi, presently residing of Dafka Galian, PO Karat, Tehsil Sujjanpur, P.S. Sujjanpur Tehna, Himachal Pradesh and Santosh Thakur @ Santosh Kumari W/o Babu Ram Thakur, aged about 55 years, R/o Dafka Galian, PO Karat, Tehsil Sujjanpur, P.S. Sujjanpur Tehna, Himachal Pradesh, have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Ld. Counsel. So, from the statements of the parties, it appears to the Court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure, coercion and fear.

As per contents of the FIR as well as statement of the Investigating Officer and report of the concerned Ahlmad, there are only two persons i.e. Petitioners have been arrayed as accused in the present FIR and they have not

been declared as proclaimed offender nor any proceedings regarding declaring them as proclaimed offender are pending.

Perusal of the aforesaid report would show that the parties have effected genuine compromise. The complainant is not willing to carry on with the prosecution case against the petitioner. In view of compromise there is a remote possibility of the complainant coming forward to support the prosecution case. The powers under Section 482 Cr.P.C can be exercised in such like situation 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) 105 2 and Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

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.

Resultantly, FIR No.94 dated 19.06.2019 registered under Sections 406, 498-A IPC at Police Station Women Cell, Ludhiana District Ludhiana as well as all the subsequent

proceedings arising therefrom, are hereby quashed. Petition stands disposed of.

**(RAJ MOHAN SINGH)
JUDGE**

February 16, 2021

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No