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

CRM-M No. 41399 of 2020
Date of Decision: 28.01.2021

Darbara Singh and others

-Petitioners

Vs

State of Punjab and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rajat Dogra, Advocate, for
Mr. S.P.S. Sidhu, Advocate,
for the petitioners.

Mr. Bhupender Beniwal, A.A.G., Punjab.

Mr. SBS Mann, Advocate,
for the complainant.

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.15 dated 29.10.2020 registered under Sections 406, 498A, 506 IPC and under Section 3/4 of Dowry Prohibition Act at Police Station Women, Ferozepur, District Ferozepur on the basis of compromise.

[3]. Vide order dated 11.12.2020, 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, both the parties appeared before the Chief Judicial Magistrate, Ferozepur on 11.01.2021 for recording their statements in the context of genuineness of the compromise. A report dated 18.01.2021 has been received from the Chief Judicial Magistrate, Ferozepur. The relevant part of the report reads as under:-

“Complainant, Sukhwinder Kaur recorded her statement that the present FIR, was registered at her instance, and she has effected compromise in the present case with the accused namely, Darbara Singh, Simranjit Kaur, Harpreet Singh, Joginder Singh, Balkar Singh, Lakhwinder Kaur, Sarabjit kaur and Tehal Singh, with the intervention of the respectables of locality without any inducement, pressure, threat or coercion and the compromise deed has already been submitted in the Hon'ble High Court, is genuine and voluntary. She further stated that she has no objection, if as per the compromise, the proceeding in the above said FIR are quashed against all the petitioners/accused. Similarly, all the accused

named above, have suffered separately recorded statement to the aforesaid effect. They have been duly identified by counsel. Copy of statement of complainant, and that of accused named above, is enclosed herewith.

Further, as desired, it is submitted that

1. There are Eight number of accused in FIR;

2. No accused is Proclaimed Offender.

3. State of trial/proceedings is awaiting challan.

4. From the perusal of statement of parties, it appears that the statement of parties are bonafide and are not result of any pressure or coercion etc., in any manner;

Statement of ASI Tarlok Singh, No.260/FZR, has been recorded separately, to the aforesaid effect, as desired, which is also enclosed herewith for your Honour's kind perusal."

[5]. In view of report submitted by the Chief Judicial

Magistrate, Ferozepur, 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 (CrI.) 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.15 dated 29.10.2020 registered under Sections 406, 498A, 506 IPC and under Section 3/4 of Dowry Prohibition Act at Police Station Women, Ferozepur, District Ferozepur as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[8]. Petition stands disposed of.

28.01.2021
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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| 1. | Whether speaking/reasoned | : | Yes/No |
| 2. | Whether reportable | : | Yes/No |