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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.41916 of 2020
Date of Decision: 08.02.2021

IZZATBIR SINGH

.....Petitioner

Vs

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Amandeep Kaur, Advocate for
Mr. Jagtar Singh Sidhu, Advocate
for the petitioner.

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

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.24 dated 05.03.2014 registered under Sections 406 & 498-A IPC (Section 201 IPC added later on) at Police Station Women Patiala, District Patiala along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[3]. It appears that at one point of time the accused Izzatbir Singh was declared as proclaimed person on 18.01.2016, but

thereafter he was arrested on 02.11.2020 and was granted bail by the Addl. Sessions Judge, Patiala on 20.11.2020. Now the case is at the stage of prosecution evidence.

[4]. Notice of motion was issued on 15.12.2020 and the parties were directed to appear before the trial Court/Ilalaqa Magistrate on 22.01.2021 for recording their statements in respect of genuineness of the compromise in question.

[5]. In compliance of the aforesaid order, a report has been received from the Judicial Magistrate Ist Class, Patiala. Relevant part of the said report reads as under:-

“2. Statement of complainant namely Dharna daughter of Brij Bhushan and accused Izzatbir Singh @ Goldy have been recorded. Complainant Dharna has suffered statement that the matter has been compromised with the accused with the intervention of respectables of the society and accused has filed quashing petition CRM-M NO.41916 of 2020 before the Hon'ble Punjab and Haryana High Court at Chandigarh for quashing FIR No.24 of 05.03.2014 under Sections 406, 498-A, 201 IPC, Police Station Women Patiala. The matter has been voluntarily compromised with the accused. The said compromise is genuine and is voluntarily arrived at with her free consent and without any pressure, coercion, undue influence and inducement from any quarter. She does not want to proceed with the present FIR and she has no objection if the present FIR is quashed against accused. She is only victim in the present case. She identified accused present

in the Court.

3. *Accused Izzatbir Singh has suffered statement that the matter has been compromised with the complainant with the intervention of respectables of the society and he has filed quashing petition CRM-M 41916 of 2020 before the Hon'ble Punjab and Haryana High Court at Chandigarh for quashing FIR No.24 of 05.03.2014 under Sections 406, 498A, 201 IPC, Police Station Women Patiala. The matter has been voluntarily compromised with the complainant. The said compromise is genuine and is voluntarily arrived at with his free consent and without any pressure, coercion, undue influence and inducement from any quarter. Neither he is proclaimed offender nor any proclamation proceedings are pending against him. He is only arrayed as accused in the present FIR.*

4. *ASI Baljinder Singh No.1413 PTA PS Women Patiala has suffered statement that only accused Izzatbir Singh has been arrayed as accused in the present FIR No.24 dated 05.03.2014 under Sections 406, 498-A and 201 IPC, Police Station Women Patiala, who is not proclaimed offender. Only Dharna is victim in the present case.*

5. *Further trial Court is to submit a report containing the following information:-*

(1) *As per statement of Investigating officer only Izzatbir Singh has been arrayed as accused in the FIR No.24 dated 05.03.2014, under Sections 406, 498-A, 201 IPC, Police Station Women, Patiala.*

(2) *Earlier accused Izzatbir Singh was declared proclaimed person vide order dated 18.01.2016 in the present case but thereafter he was arrested on 02.11.2020 and was granted bail*

by the Court of Sh. Shiv Mohan Garg, learned Additional Sessions Judge, Patiala on 20.11.2020 and furnished his bail bonds on 20.11.2020 in the Court of Ms. Sandeep Kaur, Judicial Magistrate Ist Class, Patiala (Duty Magistrate on 20.11.2020).

(3) The present case is pending for prosecution evidence.

(4) From the statements of the parties recorded, it appears that compromise is genuine, voluntary and has been effected between the parties without any pressure and with their free will and without any coercion or undue influence.

(5) As per the statement of Investigating Officer, only Dharna is victim in the present case.”

[6]. Perusal of the aforesaid report would show that the parties have effected genuine compromise without there being any pressure, coercion or undue influence. 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) 1052** and **Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

[7]. 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.

[8]. Resultantly, FIR No.24 dated 05.03.2014 registered under Sections 406 & 498-A IPC (Section 201 IPC added later on) at Police Station Women Patiala, as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[9]. Petition stands disposed of.

February 08, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No