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

**CRM-M No.41899 of 2020(O&M)
Date of Decision:22.02.2021**

Tejwinder Singh

.....Petitioner

Vs

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. H.S. Jalal, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

Ms. Aameena Singh, Advocate
for respondent No.2.

(Through video conferencing)

RAJ MOHAN SINGH, J.(Oral)

[1]. Prayer in this petition is for quashing of FIR No.4 dated 14.03.2020 registered under Sections 406 & 498-A IPC at Police Station NRI, District SBS Nagar along with all the subsequent proceedings arising therefrom, on the basis of compromise.

[2]. Notice of motion was issued on 14.12.2020 and both the parties were directed to appear before the Illaqa Magistrate/trial Court for recording their statements in the context of genuineness of the compromise. Illaqa

Magistrate/trial Court was also directed to submit its report with regard to genuineness of the compromise.

[3]. Both the parties have effected compromise through their power of attorneys. Learned counsel for the petitioner refers to judgment of the Division Bench of this Court in **CRM-M No.6890 of 2013** titled **Mangal Dass Gautam & another Vs. State of Haryana and another**. Trial Court has submitted its report to the following effect:-

“In compliance of above said directions of Hon'ble Punjab & Haryana High Court, the parties appeared before the Court and their statements qua the compromise were recorded.

Vide separate statement as recorded before Court, it is stated by Dilbar Singh, who is attorney of complainant Jasbir Kaur, that complainant Jasbir Kaur d/o Mann Singh is residing in England (UK) and that FIR No.4 dated 14.03.2020, under Section 406,498A of IPC registered at Police Station NRI, SBS Nagar, was got lodged by complainant Jasbir Kaur. He has further stated that now with the intervention of relatives and respectables, compromise has been effected by complainant with accused Tejwinder Singh s/o Jeet Singh, r/o village Mubarakpur, Tehsil Samrala, District Ludhiana. The attorney of complainant has

also stated that he has received a cheque bearing No.017285 dated 22.12.2020 amounting to Rs.3,22,000/- in favour of complainant Jasbir Kaur and as per compromise, he has received the total lump sum amount and now nothing is due against accused Tejwinder Singh. The compromise has been effected without any pressure, coercion or undue influence. He has further stated that accused (i.e. Tejwinder Singh) has filed quashing petition before Hon'ble High Court and he has no objection if the present FIR is quashed by Hon'ble High Court. He has placed on record copy of his driving license as Ex.C1, copy of compromise as Mark-A, copy of the cheque as Mark-B and copy of Special Power of Attorney as Mark-C.

Jeet Singh, who is father of accused Tejwinder Singh, also suffered a statement to the effect that he is attorney of his son Tejwinder Singh. He has also stated that FIR No.4 dated 14.03.2020, under Section 406,498-A of IPC has been lodged at Police Station NRI, SBS Nagar, against his son Tejwinder Singh by complainant Jasbir Kaur. He has also stated that now with the intervention of relatives and respectables, compromise has been effected without any pressure, coercion or undue influence. He has handed over a cheque bearing No.017285

dated 22.12.2020, amounting to Rs.3,22,000/- in favour of complainant Jasbir Kaur to the attorney of complainant. The remaining settled amount has been paid to the complainant through her attorney and nothing remain due between the parties. The attorney of accused also stated that he has filed quashing petition before Hon'ble High Court and in view of compromise, the present FIR may kindly be quashed by Hon'ble High Court. He has also placed on record copy of his adhar card as Ex.C2, copy of compromise as Mark-A & copy of General Power of Attorney as Mark-D.

In the said background, the statements so suffered by the complainant as well as accused Tejwinder Singh, through their respective attorneys, show that the compromise so effected amongst parties is genuine, voluntary, without any coercion or undue influence with an intent to bring entire dispute amongst them to an end.

Further, in accordance with the information so sought from the undersigned, it is submitted that as per the police report, the present case has been registered against accused Tejwinder Singh only and no accused has been declared as proclaimed offender. Hence, the report is submitted for your honours kind perusal please.”

[4]. 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) 1052** and **Gian Singh vs.State of Punjab and another, 2012 (4) RCR (Crl.) 543.**

[5]. 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.

[6]. Resultantly, FIR No.4 dated 14.03.2020 registered under Sections 406 & 498-A IPC at Police Station NRI, District SBS Nagar as well as all the subsequent proceedings arising therefrom, are hereby quashed.

[7]. Petition stands disposed of.

22.02.2021	(RAJ MOHAN SINGH)
<i>Amandeep</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No