

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

CRM-M-266-2021 (O&M)
Date of decision: 08.04.2021

Harpreet Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Bikram Singh, Advocate for the petitioners.

Mr. J.S. Ghuman, DAG, Punjab.

Mr. Amrik Singh, Advocate for respondent No.2.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Petitioners – Harpreet Singh, Jaswant Singh, Amarjit Kaur and Navjot Kaur @ Jyoti have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.25 dated 08.03.2018, for offences under Sections 406 and 498-A IPC, registered at Police Station Nurpur Bedi, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Poonam Rani @ Parminder Kaur- arrayed as respondent No.2.

Briefly stated facts of the case as per prosecution story are that, complainant Poonam Rani @ Parminder Kaur daughter of Sh. Bakhtawar Singh, resident of Mawa, District Rupnagar had submitted a complaint to Senior Superintendent of Police, Rupnagar against her

husband Harpreet Singh, father in-law Jaswant Singh, mother in-law Amarjit Kaur and sister in-law Navjot Kaur @ Jyoti, all residents of Village Dhandari Kalan, Ludhiana, levelling allegations of demand of dowry, beatings, harassment and misappropriation of her dowry articles by them; on the basis of that complaint, formal FIR was registered; on completion of the investigation, the challan has since been filed against the accused and the trial against them is going on. In the meanwhile, the parties have amicably settled the dispute.

Learned counsel for respondent No.2/complainant has stated that the matter has in fact been compromised between the parties in terms of the written compromise dated 17.07.2020 (Annexure P-2) and the spouses have got their marriage dissolved by a decree of divorce by mutual consent. As such, the complainant has no objection if the present petition is accepted.

Vide order dated 06.01.2021, in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court at Sri Anandpur Sahib, to get their statements recorded with regard to compromise and the Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate 1st Class, Sri Anandpur Sahib, in terms of which complainant Poonam Rani @ Parminder Kaur and accused, namely, Harpreet Singh, Jaswant Singh, Amarjit Kaur and Navjot Kaur @ Jyoti, had appeared there and their statements were recorded, in terms of which they have admitted to have

entered into a voluntary compromise, without any threat or coercion. Further, the complainant has stated that she has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along with the report statement of the complainant and the accused, have been annexed.

I have heard learned counsel for the parties besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and Anr.** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can affect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the above said FIR along with ancillary proceedings are hereby quashed.

08.04.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No