

CRM-M-3494-2020

Date of decision: 25.03.2022

GURJANT SINGH AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. L.S. Sidhu, Advocate
for the petitioners.

Mr. V. G. Jauhar, Sr. DAG, Punjab.

Mr. Brahmeet Singh, Advocate for
Mr. D.S. Sidhu, Advocate
for respondent No.2

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic).*

VIVEK PURI, J. (ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 63 dated 04.06.2019 under Sections 313/494/323/34 IPC, 1860 registered at Police Station Kot Ise Khan, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise.

On 28.01.2020, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 28.01.2020, learned Judicial

submitted its report dated 18.03.2020, the relevant para whereof reads as under:-

“I have the honour to submit that as per directions of the Hon’ble High Court, statements of complainant and accused persons have been recorded. Complainant Sandeep Kaur @ Mandeep Kaur wife of Gurjant Singh son of Dalip Singh resident of village Kamal Wala (Muthianwala) District Ferozepur has suffered a statement that FIR No. 63 dated 04.06.2019 under Sections 313/494/323/34 IPC P.S. Kot Ise Khan was got registered by her against Gurjant Singh, Dalip Singh and Kulwant Kaur and that with the intervention of respectables and relatives a compromise was effected between them. She further stated that the compromise was effected for their betterment and the same was effected with their free will, without there being any sort of pressure or coercion from any corner. As a mark of identity she had produced photo copy of her aadhar card which is enclosed herewith.

There are three accused in this case namely Dalip Singh, Gurjant Singh and Kulwant Kaur who have suffered separate statements to the effect that FIR No. 63 dated 04.06.2019 under Sections 313/494/323/34 IPC P.S. Kot Ise Khan was got registered by Sandeep Kaur against them and that with the intervention of respectables and relatives as compromise was effected between them. They also stated that the compromise was effected for their betterment and the same was effected with their free will, without there being any sort of pressure or coercion from any corner. As a mark of identity, they produced photo copies of their aadhar card which are enclosed herewith.

It is pertinent to mention here that as per FIR, the same has been registered on the statement of complainant Sandeep Kaur daughter of Jaswant Singh against three accused namely Dalip Singh son of Pala Singh, Gurjant Singh son of Dalip Singh and Kulwant Kaur wife of Dalip Singh and all of them have appeared and made their respective statements in support of the compromise so effected between them.

As per report of ASI Surjit Singh of P.S. Kot Ise Khan, non of the accused has been declared as proclaimed offender and the investigation is

underway and no challan has been presented in the Court.

From the statements of the complainant and accused persons so recorded by the undersigned, compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner. ”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties. Petitioner No.1 and respondent No.2 are happily residing together in the matrimonial house.

Learned counsel appearing on behalf of respondent No.2 has stated that he has no objection if FIR is quashed.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

Considering the peculiar facts and circumstances of the case noted

above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 63 dated 04.06.2019 under Sections 313/494/323/34 IPC, 1860 registered at Police Station Kot Ise Khan, District Moga and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

25.03.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No