

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4501-2022

Date of Decision: 01.08.2022.

JASVIR KAUR AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vivek K. Thakur, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Angad Parmar, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No. 105 dated 20.07.2017 under Sections 341/354/323/506/148 and 149 IPC registered at Police Station Nangal, District Rupnagar and all the subsequent proceedings arising therefrom on the basis of compromise.

Briefly, the FIR has been registered on the allegations that the petitioners had inflicted injuries and outraged the modesty of respondent No.2.

On 28.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 28.03.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Nangal has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“From the statements of parties got
recorded by them today in the Court, it appears*

that parties have effected compromise with their own sweet Will, without any inducement threat and coercion in any manner. As per the statement of the I.O. there are six accused persons in the FIR, accused Kushalia Devi died on 22.10.2020. Her death certificate is Ex.P6. He further stated that the above said accused persons have never been declared as proclaimed offender by any court nor any other case is registered against either of the party arrayed in present FIR. There is only one complainant in the present FIR i.e. Rajwinder Kaur.

In case, the compromise is accepted it would be beneficial to the interests of both the parties.”

Learned counsel for the petitioners contend that the husband of petitioner No.1 has passed away. The complainant/respondent No.2 is the mother-in-law of petitioner No.1. Petitioners No. 2 to 5 are the members of the parental family of petitioner No.1. After the death of her husband, petitioner No.1 alongwith her children are residing in her parental house. The dispute has been amicably settled in terms of compromise dated 15.12.2021. Petitioner No.1 has also instituted a private complaint against respondent No.2 and the same has been withdrawn. The amicable settlement will help in maintaining cordial relations between the parties in future.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the FIR is quashed.

After hearing 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 family 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.105 dated 20.07.2017 under Sections 341/354/323/506/148 and 149 IPC registered at Police Station Nangal, District Rupnagar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

01.08.2022
smriti

(VIVEK PURI)
JUDGE

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