

277 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11466-2021
Date of Decision: 14.09.2022

SATWANT SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Kumar Saini, Advocate for the petitioners.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Yash Gupta, Advocate for respondent Nos.2&3.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.26 dated 09.02.2020 registered under Section 498 of the Indian Penal Code at Police Station Samrala, Police District Khanna and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Although, the FIR has been registered for having committed the offence under Section 498 IPC but the allegations as put forth indicate that the marriage of respondent No.3 was sought to be solemnized with petitioner No.3. However, the petitioner had been raising demand of dowry and subsequently, the marriage could not fructify. The allegations are with regard to cheating, demand of dowry, breach of trust and humiliating the respondent No.3.

On 12.03.2021, the parties were directed to appear before the Trial Court 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 of the compromise.

In compliance of the order dated 12.03.2021, learned Addl. Civil Judge, Sr. Division-cum-SDJM, Samrala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“i) Considering the statements of complainant party as well as the accused persons, the compromise is genuine and voluntary in nature.

ii) Accused persons Satwant Singh and Balbir Kaur are on bail but no bail has been furnished by accused Akashdeep Singh who has been stated to be residing abroad before registration of the present FIR. (as revealed in the statement of special Power of Attorney of Satwant Singh).

iii) As per the statement of complainant and the accused persons there is no other proceedings pending between them.”

Learned counsel for the petitioners contend that the dispute has been amicably settled in terms of compromise, Annexure P-2. It has been stated that petitioner No.3 is now residing abroad and even respondent No.3 is also residing abroad. An amicable settlement has been effected with the intervention of the respectables and it will help in maintaining cordial relations between the parties in future.

Learned State counsel, on instructions of ASI Jagjivan, submits that in the instant case, the cancellation report has been prepared by the Investigating Agency.

Learned counsel for respondent Nos.2 & 3 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

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 (Annexure P-2). The compromise is without any pressure and is 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 private 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***.

Accordingly, the present petition is allowed and FIR No. 26 dated 09.02.2020 registered under Section 498 of the Indian Penal Code at Police Station Samrala, Police District Khanna and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

14.09.2022

Janki

(VIVEK PURI)
JUDGE

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