

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

CRM-M-14564-2021

Date of Decision: November 30, 2022

Jagwinder Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tarun Seth, Advocate,
for Mr. Harshit Jain, Advocate,
for the petitioners.

Mr. Amit Shuklam, AAG, Punjab.

Mr. Manu R. Bhardwaj, Advocate,
for respondent no.2.

Vivek Puri, J.

The petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short ('Cr.P.C.)) invoking its inherent jurisdiction for quashing of F.I.R. No. 07, dated 11.01.2013, registered under Sections 406 and 498-A of the Indian Penal Code (for short 'IPC'), at Police Station Sadar Dhuri, District Sangrur and all other consequential proceedings arising therefrom, on the basis of compromise dated 15.03.2021 (Annexure P-2).

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 20.03.2011 and a daughter has been

born from the wedlock. The matrimonial dispute has been amicably settled in terms of the settlement/agreement contained at Annexure P-2 in the Mediation and Conciliation Centre, Sangrur. At the earlier instance, petitioner No.1 had instituted a petition under Section 13 of Hindu Marriage Act for dissolution of marriage and the same has been allowed in terms of the judgment and decree dated 03.12.2018 passed by the Court of learned District Judge, Sangrur. Respondent No.2 had preferred an appeal against the said judgment and decree and the same has been withdrawn. The custody of minor daughter shall remain with respondent No.2. An FDR for a sum of Rs.5 lac in the name of the daughter has been prepared and the same has been handed over to respondent No.2. The petitioners have been convicted for having committed the offence under Section 498-A IPC and sentenced to undergo simple imprisonment for a period of two years besides payment of fine in terms of the judgment and decree dated 29.01.2018 passed by the Court of learned Judicial Magistrate 1st Class, Dhuri. The petitioners have preferred an appeal bearing CRA-63-2018 titled as 'Jagwinder Singh and others vs. State of Punjab' against the said judgment of conviction and order of sentence and the same is pending in the Court of learned Additional Sessions Judge, Sangrur.

On 08.09.2022, the parties were directed to appear before the learned appellate Court to get recorded their statements regarding compromise and it was further directed that after recording their statements, the learned appellate Court shall send a report regarding the genuineness of the compromise.

In compliance of the order dated 08.09.2022, the learned Additional Sessions Judge, Sangrur has sent its report and the relevant portion thereof is reproduced as following:-

“1. The number of persons arraigned as accused in the FIR is four namely Jagwinder Singh son of Mohinder Singh, Harinder Kaur daughter of Mohinder Singh, Kulwant Kaur wife of Mohinder Singh and Mohinder Singh son of Mit Singh. It is pertinent to mention here that the accused Mohinder Singh has since expired on 30.12.2021 and his death certificate is thereon record.

2. None of the accused is proclaimed offender.

3. Complainant Ravinder Kaur vide her separate statement has submitted that she has with her own will and without any coercion and undue influence compromised the matter with all the accused namely Jagwinder Singh son of Mohinder Singh, Harinder Kaur daughter of Mohinder Singh, Kulwant Kaur wife of Mohinder Singh and Mohinder Singh son of Mit Singh (since expired) and that in view of the

compromise FIR No. 7 dated 11.01.2013, u/s 406/498-A IPC, P.S. Sadar Dhuri be quashed against the accused.

Joint statements of accused Jagwinder Singh, Harinder Kaur and Kulwant Kaur with regard to compromise / settlement have been recorded. They also submitted that accused Mohinder Singh has expired on 30.12.2021 and also placed on record his death certificate and further prayed that FIR No.7 dated 11.01.2013, u/s 406/498-A IPC, P.S. Sadar Dhuri against them be quashed. From the statements of parties recorded in this case, it is clear that compromise arrived at between them is genuine, voluntary and without any coercion or undue influence.

4. As per statement of SI Labh Singh (Investigating Officer) 4 persons were arrayed as accused in the FIR. He has further stated that none of the accused are proclaimed offender and that accused Mohinder Singh has died on 30.12.2021. He further stated that no other FIR is lodged against the accused and they are not involved in any other case.

5. Statement of SI Labh Singh (Investigating Officer) was recorded in the Court, who stated that there is only one victim/complainant in this case namely Ravinder Kaur daughter of Chamkaur Singh.”

Learned counsel for the petitioners contend that criminal appeal titled as “Jagwinder Singh and others Vs. State of Punjab” is pending in the Court of learned

Additional Sessions Judge, Sangrur and the next date of hearing is 06.12.2022.

After hearing the learned counsel for the parties and going through 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 an out of the Court settlement by way of compromise (Annexure P-2). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

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** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

In the decision rendered in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102**, the Division Bench of this Court has laid down as following:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include

its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

Furthermore, in the decision rendered in ***Ramgopal and another Vs. State of Madhya Pradesh, Criminal Appeal No. 1489 of 2012, decided on 29.09.2021***, it has been held by the Supreme Court that non compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

The matter has been amicably settled in terms of the compromise (Annexure P-2). In such circumstances, the compromise will go a long way in maintaining cordial and harmonious relations between the parties.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, F.I.R. No. 07 dated 11.01.2013, registered under Sections 406 and 498-A IPC, at Police Station Sadar Dhuri, District Sangrur and all other consequential proceedings arising therefrom, as well as, judgment dated 29.01.2018 passed by the Court

of learned Judicial Magistrate 1st Class, Dhuri vide which the petitioners have been convicted and sentenced, are ordered to be quashed. Furthermore, the appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 29.01.2018 would be rendered infructuous and shall be so declared by the learned Additional Sessions Judge where the appeal is pending.

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

November 30, 2022
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking	:	Yes / No
Whether reportable	:	Yes / No