

265 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15599-2022 (O&M)

Date of Decision: 05.08.2022

SURESH SINGLA AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vijay Singla, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Puneet Kumar Bansal, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 107 dated 02.03.2022 under Sections 323/406/498-A/376/511 IPC registered at Police Station Chandimandir, Panchkula and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 18.04.2022, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 18.04.2022, learned Addl. Chief Judicial Magistrate, Panchkula has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as

under:-

“i). Number of persons arraigned as accused in the FIR;

* As per the report of I.O., total five persons have been arraigned as accused in the present FIR namely Suresh Singla son of Shri Madan Lal Singla, Kiran Singla wife of Suresh Singla, Kamal Singla son of Ramesh Singla, Malika Singla wife of Kamal Singla and Gyan Chand Singla son of Sh. Madan Lal Singla.

(ii) Whether any accused is declared as proclaimed offender?

* No accused is declared as proclaimed offender in this case as verified by the I.O.

iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence?

* The compromise between the parties appears to be genuine, voluntary and without any coercion and undue influence. Statement of complainant as well as all 5 petitioners before the Hon'ble High Court i.e. accused were recorded wherein they categorically affirmed the fact that they have compromised the dispute amicably with free will and without any coercion and undue influence. Identity of the parties was duly confirmed. Complainant categorically submitted that she has no objection that if the present FIR is quashed by the Hon'ble High Court.

(iv) Whether the accused persons are involved in any other FIR or not?

* As per the report furnished by the Investigating Officer, accused persons are not involved in any other case.

(v) How many victims/ complainant are there in the FIR?

* There is only one complainant/victim in the present case namely Ms. Nisha Garg. Statement of I.O. was recorded separately in this regard as directed by the Hon'ble High Court. ”

Learned counsel for the petitioners contend that marriage of respondent No.2 was solemnized with Amardeep Singla on 27.11.2020 but unfortunately Amardeep Singla passed away on 01.07.2021. Subsequently, the FIR has been registered by respondent No.2 against the parents, sister,

brother-in-law and uncle of deceased-husband. The dispute has been

amicably settled between the parties and a sum of Rs.3,50,000/- has been paid to respondent No.2 and she has received all her articles of jewellery. No other case is pending between the parties.

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

Learned State counsel, on instructions of ASI Sunita Rani submitted that the cancellation report is contemplated to be filed in the instant case.

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 (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 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.

Accordingly, the present petition is allowed and FIR No. 107 dated 02.03.2022 under Sections 323/406/498-A/376/511 IPC registered at Police Station Chandimandir, Panchkula and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

05.08.2022

Janki

**(VIVEK PURI)
JUDGE**

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