

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41993-2021

Date of decision:21.09.2022

Sarabjit Kaur

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Rajwinder Kaur Duggal, Advocate for the petitioner.

Mr. Iqbal S. Mann, DAG, Punjab.

None for respondent No.2.

VIKAS BAHL, J.(ORAL)

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.42 dated 20.05.2016 under Sections 498-A and 406 IPC, registered at Police Station Chattiwind, District Amritsar Rural (Annexure P-1) along with all other consequential proceedings arising therefrom, on the basis of oral settlement/compromise entered into between the parties.

On 07.10.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The matter has been taken up through video conferencing.

Notice of motion.

Mr. H. S. Multani, AAG, Punjab and Mr. Rajesh Sharma, Advocate accept notice on behalf of respondents No.1 and 2, respectively.

Learned counsel for the petitioner undertakes to supply a complete set of the paper book to learned counsel for the respondents during the course of the day.

Through the present petition filed under Section 482 Cr.P.C. the petitioner seeks quashing of FIR No.42 dated 20.05.2016 registered under Sections 498A/406 IPC at Police

Station Chattiwind, district Amritsar on the strength of the oral compromise dated entered into between the parties.

The petitioner as also respondent No.2, through their counsel are directed to appear before the Illaqa Magistrate/Trial Court on 14.10.2021 to get their statements recorded to the effect that the compromise has actually been arrived at between them. After recording of the statements, the Illaqa Magistrate/Trial Court would furnish to this Court its report along with the recorded statements on or before the adjourned date, clearly opining therein with respect to the veracity of the compromise, if any, between the parties.

The Illaqa Magistrate/Trial Court would also apprise this Court whether all the accused are party to the compromise and whether any of the accused have ever been declared proclaimed offender(s) and if is there any other criminal case pending against them.

To await the report of the Illaqa Magistrate/Trial Court adjourned to 07.02.2022.

07.10.2021

(DEEPAK SIBAL)
JUDGE”

In pursuance to the said order, a report has been submitted by
Civil Judge (Jr. Division)-cum-Judicial Magistrate First Class, Amritsar.

The relevant portion of the said report is reproduced hereinbelow:-

“3. Statement of investigating officer ASI Vijay Kumar-949, ASR, Police Station Chattiwind (Amritsar) has also been recorded to the effect that there is only one accused involved in the present case namely Sukhdev Singh. He has further stated that no accused has ever been declared as proclaimed offender in the present case. He also stated that no other criminal case is pending against the accused.

4. From the statement of complainant Sarabjit Kaur and accused person so recorded by the undersigned, the 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.

5. xxx xxx

7. xxx xxx

Accordingly the report is being submitted.

Thanking you,

Yours faithfully,

*(Tushar Kaur Thind, PCS)
Judicial Magistrate First Class
Amritsar. UID PB0466”*

A perusal of the above said report would show that the petitioner and complainant-respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner has further submitted that the petitioner was not declared proclaimed offender in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner and the complainant. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in “***Kulwinder Singh and others Vs State of Punjab***”, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of “***Gian Singh Vs. State of Punjab and another***”, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process

proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.42 dated 20.05.2016 under Sections 498-A and 406 IPC, registered at Police Station Chattiwind, District Amritsar Rural (Annexure P-1) along with all other consequential proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

21.09.2022

Ishwar

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No