

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-42087-2021
Date of decision: 05.01.2022

BALWINDER SINGH ...PETITIONER
VERSUS
STATE OF PUNJAB AND ANR. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankur Bansal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Maninderjit Singh, Advocate
for respondent No.2.

*(The case has been taken up through video conferencing on account
of Covid-19 Pandemic).*

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 96 dated 08.07.2021 under Section 354-A(2) Indian Penal Code, 1860 registered at Police Station Adampur, District Jalandhar, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 14.10.2021, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the

In compliance of the order dated 14.10.2021, learned Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and submitted its report dated 14.12.2021, the relevant para whereof reads as under:-

“With due respect, it is submitted that upon receiving the order of the Hon'ble High Court, passed in CRM-M-42087-2021 in FIR No. 96 dated 08.07.2021, under Sections 354-A (2) of IPC titled as "Balwinder Singh Vs. State of Punjab & another", whereby the undersigned has been directed to record the statements of the parties with regard to the genuineness of the compromise, the undersigned has got recorded the statements of the parties to the compromise i.e complainant Navjot Kaur wife of Taranjeet Singh daughter of Makhan Singh, Village Dhamuli, P.S. Bhogpur, District Jalandhar and accused Balwinder Singh son of S. Ajit Singh resident of Patti Udhopur, VPO Beas Pind, District Jalandhar, who appeared before the Court on 24.11.2021. The parties have got recorded their statements in the Court vide which complainant Navjot Kaur has stated that she has entered into the compromise with the accused Balwinder Singh in the presence of respectables and she entered into Said compromise voluntarily, without any pressure or threat from any side. She has also submitted that she does not want to pursue with the present FIR and have no objection if the FIR is quashed. Thereafter, she placed on record copy of compromise deed Ex. PA and copy of her aadhar card as EX. CI. Complainant also stated that there is no PO proceedings is pending or decided against any of the party. Complainant also stated that except the accused Balwinder Singh, no other person arrayed as accused in the present FIR.

The statement of accused Balwinder Singh son of S. Ajit Singh resident of Patti Udhopur, VPO Beas Pind, District Jalandhar has also been recorded separately, wherein he stated that he compromised the matter with the complainant voluntarily and the same is without any pressure, coercion and undue influence. The accused further proved the

copy of her aadhar card as Ex. C2. He also submitted that neither there is other case against him registered or pending nor he is involved in any other FIR at any Police Station. He also submitted that there is no PO proceedings is pending or decided against any of the party. Both the parties were duly identified by their counsels. Further, I have also examined the parties in person and I am of the opinion that the parties have entered into the compromise voluntarily and without any pressure or coercion from any quarter. As such, in view of the statements of the parties as well as after their examination in the court, I am of the view that compromise has been validly effected between the parties to the above said FIR as per their free will and without any kind of pressure, threat or undue influence. There is no PO proceedings is pending against any of the party.”

Learned counsel for the petitioner contends that there is matrimonial dispute between the respondent and the son of the petitioner and the said matrimonial dispute has been amicably settled. They have also instituted a petition under Section 13-B of Hindu Marriage Act, 1955 for dissolution of marriage by mutual consent, wherein the statements of the parties at the stage of first motion have already been recorded.

The learned counsel for the respondent No.2 has not assailed the aforesaid factual aspects.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that the dispute appears to be private in nature and a consequence of the matrimonial dispute between the son of the petitioner and respondent No.2, and 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.

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. 96 dated 08.07.2021 under Section 354-A(2) Indian Penal Code, 1860 registered at Police Station Adampur, District Jalandhar, and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

05.01.2022
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(VIVEK PURI)
JUDGE

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