

279 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39467-2022
Date of Decision: 30.11.2022

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

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amandeep Singh, Advocate for the petitioners.
Mr. Amit Shukla, AAG Punjab.
Mr. Ankit Kharbanda, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 04 dated 08.01.2022, under Sections 323/354-B/294/34 IPC, 1860, registered at Police Station Dakha, Ludhiana Rural and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, as per the allegations in the FIR, petitioner No.1 had been abusing the complainant, petitioner No.3, father-in-law of the complainant inflicted injuries and petitioner No.2, the brother-in-law of the complainant had committed assault with an intention to disrobe and outrage her modesty.

On 09.09.2022, 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 send its report regarding genuineness of the compromise.

In compliance of the order dated 09.09.2022, learned Judicial

Magistrate Ist Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. In this case, there are only three persons arrayed as accused whose names are (1) Pargat Singh aged about 39 years, S/o Surinder Singh, (2) Davinder Singh aged about 32 years, S/o Surinder Singh. Surinder Singh aged about 67 years, S/o Kartar Singh, All Residents of Village Morkarima, Tehsil and District Ludhiana.

2. None of the accused has been declared proclaimed offender by the court.

3. The undersigned has verified regarding genuineness of the compromise from the parties and is therefore satisfied that parties have compromised the matter with their free consent, voluntarily and without any coercion or undue influence. The compromise is genuine.

4. As per record available in the police station of P.S. Dakha, none of the accused is involved in any other FIR.

5. In this case, only one person i.e. complainant Sarabjit Kaur d/o Baldev Singh is victim/complainant/aggrieved person, who has compromised the matter with accused persons.”

Learned counsel for the petitioners contend that the present case is an offshoot of the matrimonial dispute between petitioner No.1 and respondent No.2. The dispute has been amicably settled in terms of compromise (Annexure P-2). Petitioner No.1 and respondent No.2 have resumed cohabitation. The respondent No.2 is happily residing in the matrimonial home with petitioner No.1.

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

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 matrimonial 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. 04 dated 08.01.2022, under Sections 323/354-B/294/34 IPC, 1860, registered at Police Station Dakha, Ludhiana Rural and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

30.11.2022

Janki

(VIVEK PURI)
JUDGE

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