

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43665-2021

Date of Decision: 07.01.2022.

TARSEM SINGH AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Kamal Narula, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Manish Gulati, Advocate for
Mr. K.S.Mamrat, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.200 dated 14.08.2020 under Section 498-A IPC (Section 406 IPC added later on) registered at Police Station, Tanda, District Hoshiarpur and all the subsequent proceedings arising therefrom on the basis of compromise.

On 14.10.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 14.10.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Dasuya, has sent the report to the following effect:-

“It is most humbly submitted that the undersigned had received copy of an order dated 14-07-2021 passed by Hon'ble High Court of Punjab & Haryana in case titled as

“Tarsem Singh and others Vs State of Punjab and another” Whereby parties were directed by the Hon'ble High Court of Punjab & Haryana to appear before the undersigned for recording of statement qua the genuineness of the compromise. In compliance of the said order accused Tarsem Singh, Charanjit Kaur, Narinder Singh, Harminder Singh (through special power of attorney of his father Tarsem Singh) and complainant Charanpreet Kaur appeared before the Court. Statements of parties recorded. Copies of ID Proof taken. Parties were duly identified by the respective counsels. As per the statement, compromise has been reached amicably between the parties with the intervention of respectables Voluntarily without any coercion or undue influence.

It is further submitted that the statement of ASI Anil Kumar No.1529/HPR at present posted at P.S.Tanda has also been recorded. He stated that he is investigating officer of this case. FIR no.200 dated 14-08-2000 was registered U/s 498-A of IPC against accused Tarsem Singh, Charanjit Kaur @ Charan Kaur, Narinder Singh and Harminder Singh. He also stated that no accused has been declared P.O at any stage of investigation.

The copy of recorded statements of parties and I.O are enclosed herewith.”

It has been stated that the matrimonial dispute has been amicably settled and the parties have decided to dissolve the marriage by mutual consent.

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. 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.200 dated 14.08.2020 under Section 498-A IPC (Section 406 IPC added later on) registered at Police Station, Tanda, District Hoshiarpur and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

07.01.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No