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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CRM-M-45007-2021
Date of Decision: 10.01.2022**

Sandeep Kamboj and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S. Grewal, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Neeraj Madan, 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.55, dated 06.04.2021, under Sections 307, 377, 498-A, 406 and 34 of the IPC, registered at Police Station Variko, District Fazilka, and all the subsequent proceedings arising therefrom on the basis of compromise.

On 28.10.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate. In compliance of the order dated 28.10.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jalalabad, has sent the report

to the following effect:-

“As per order dated 28.10.2021 passed in CRM-M-45007-2021, the Hon'ble High Court had directed the Illaqa Magistrate/trial Court to record statements of the parties with regard to compromise/settlement.

In pursuance of the said order, complainant Babaljeet Kaur daughter of Puran Chand, resident of village Chak Chhapri Wala, Tehsil Jalalabad, District Fazilka, appeared and suffered statement that FIR No.55 dated 06.04.2021, under Sections 307/377/498-A/406/34 of IPC, Police Station Vairo Ke was got registered at her instance against Sandeep Kamboj, Satnam Dass and Kiran. Now, with the intervention of respectable persons and relatives, she has compromised the matter with accused Sandeep Kamboj, Satnam Dass and Kiran. The compromise is without any force, undue influence, coercion and with her free will, therefore, she does not want to proceed further against the accused and FIR in question may be quashed. As proof of her identity, she produced copy of Aadhar Card as Ex.P1, copy of settlement oagreement Ex.P1/A, copy of petition under Section 13-B of Hindu Marriage Act Ex.P1/B, copy of statement of Sandeep Kamboj Ex.P1/C and copy of statement of Babaljeet Kaur Ex.P1/D. She was also identified by Sh. Paramjit Dhaban, Advocate.

In the same way, joint statement of accused Sandeep Kamboj, Satnam Dass and Kiran, residents of House No.13, Street No.1, Baba Deep Singh Nagar, Abohar, District Fazilka, also recorded, wherein they stated that the FIR in question was registered at the instance of complainant Babaljeet Kaur against them. They have entered into compromise with the complainant voluntarily and without any threat, undue influence and coercion. They also produced copies of Aadhar Cards as Ex.P2 to Ex.P4. They have been identified by Sh. Gurdeep Kamboj, Advocate.

In view of the abovesaid statements, this Court is of the view that compromise has been effected between complainant and accused party, which is genuine, voluntary and without any coercion or undue influence. It is further submitted that no report

under Section 173(2) Cr.P.C. has been presented in this case so far. Only three persons namely Sandeep Kamboj, Satnam Dass and Kiran are named as accused in the FIR and as per report of Ahlmad of the Court, no accused has been declared as proclaimed offender. Report is accordingly submitted, please.”

Learned counsel for the petitioners has stated that the matrimonial dispute has been amicably settled between the parties. The petition under Section 13(B) of the Hindu Marriage Act for dissolution of marriage by mutual consent has been instituted, wherein the statements of the parties at the stage of first motion have also been recorded, the allegations with regard to the commission of offences punishable under Sections 377 and 307 of the IPC were not levelled in the FIR and the same have been introduced in the subsequent statement. Furthermore, the allegations with regard to commission of offence punishable under Section 307 of the IPC are to the effect that an attempt was made to strangle the respondent No.2 by means of *chunni*.

Learned counsel for respondent No.2 has admitted the factum of compromise.

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.55, dated 06.04.2021, under Sections 307, 377, 498-A, 406 and 34 of the IPC, registered at Police Station Variko, District Fazilka, 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.

10.01.2022

Apurva

**(VIVEK PURI)
JUDGE**

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No