

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46128-2021
Date of Decision: 02.02.2022

Jaspal Singh and others

... Petitioners

v/s

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karandeep Singh, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Saurav Sharma, Advocate for respondent No.2.

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

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 56 dated 02.05.2020 under Section 498-A IPC registered at Police Station Arniwala, District Fazilka and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 02.11.2021, notice of motion was issued and 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 02.11.2021, learned Judicial

Magistrate 1st Class, Fazilka has recorded the statements of the parties and

submitted his report, the relevant para whereof reads as under:-

“In compliance of the aforesaid order dated 02.11.2021 of Hon'ble Punjab and Haryana High Court, it is respectfully submitted that the point-wise report of undersigned is as follows:-

i. In view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine, which is not the result of any pressure or coercion.

ii. It is further submitted that as per the statement of investigating officer and from the persual of case file bearing CIS No. CHI-166-2020, pending for 04.01.2022, none of the accused has been declared proclaimed offender in this case.

As such, report is submitted accordingly alongwith the statements for the kind perusal of your goodself.”

The matrimonial dispute has been amicably settled between the parties and they are residing happily together. This aspect of the matter has not been disputed by learned counsel for respondent No.2.

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.

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. 56 dated 02.05.2020 under Section 498-A IPC registered at Police Station Arniwala, District Fazilka and all the consequential proceedings arising therefrom are quashed qua the petitioners.

02.02.2022

Janki

**(VIVEK PURI)
JUDGE**

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