

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

CRM-M-45908-2021

Date of Decision: August 17, 2022

Kulveer Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abhimanyu Batra, Advocate,
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab.

Mr. Yashasvi Kapila, Advocate,
for respondent no.2.

Vivek Puri, J.

The petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short ('Cr.P.C.)) invoking its inherent jurisdiction for quashing of F.I.R. No. 4 dated 02.01.2014, registered under Sections 498-A, 406, 34 IPC, at Police Station Kapurthala City, District Kapurthala, as well as, judgment dated 30.10.2019 passed by the Court of learned Chief Judicial Magistrate, Kapurthala vide which the petitioners have been convicted and sentenced, on the basis of compromise dated 28.09.2021 (Annexure P-3).

On 25.11.2021, the parties were directed to appear before the learned trial Court/Illaq Magistrate to get recorded their statements regarding compromise and it was further directed that after recording their statements, the learned trial Court/Illaq Magistrate shall send a report regarding the genuineness of the compromise.

In compliance of the order dated 25.11.2021, the learned Chief Judicial Magistrate, Kapurthala has sent its report, relevant portion thereof is reproduced as following:-

- “a) There are four persons namely Kulveer Singh, Balwant Rai, Daljit Kaur and Jaspreet Kaur arrayed as accused in FIR.*
- b) As per statement of Investigating Officer no accused has been declared as proclaimed offender in this case.*
- c) The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.*
- d) As per statement of Investigating Officer none of the accused is arrayed in any other FIR as per record.*
- e) As per statement of Investigating Officer in this case there is one complainant/victim namely Baljit Kaur.”*

Learned counsel for the petitioners contend that the marriage of petitioner no.1 was solemnized with respondent no.2 on 15.11.2009. Two daughters, aged about 10 years and 9 years, were born from the wedlock. The petitioners were tried and have been convicted under

Section 498-A IPC and sentenced to undergo rigorous imprisonment for a period of six months in terms of judgment dated 30.10.2019. Aggrieved by the aforesaid judgment of conviction and order of sentence, the petitioners have preferred a criminal appeal bearing CRA-271-2019 titled as “Balwant Rai and others Vs. State of Punjab”, which is now pending for 05.09.2022 in the court of learned Sessions Judge, Kapurthala. The matrimonial dispute has been amicably settled in terms of the compromise (Annexure P-3). The respondent no.2 is happily residing in her matrimonial house with the petitioners..

Learned counsel for respondent no.2 has not disputed the aforesaid factual aspects.

Learned counsel for the petitioners and respondent no.2 are *ad idem* that the matrimonial dispute has been amicably settled between the parties. The respondent no.2 is happily residing in her matrimonial house with the petitioners.

After hearing the learned counsel for the parties and going through 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 an out of the Court settlement by way of compromise (Annexure P-3). The compromise is genuine

one and has been voluntarily executed by the parties without any pressure or undue influence. In such a situation, the continuation of prosecution/proceedings in the appellate Court 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 offence 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** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

In the decision rendered in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102**, the Division Bench of this Court has laid down as following:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include

its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

Furthermore, in the decision rendered in ***Ramgopal and another Vs. State of Madhya Pradesh, Criminal Appeal No. 1489 of 2012, decided on 29.09.2021***, it has been held by the Supreme Court that non compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, F.I.R. No. 4 dated 02.01.2014, registered under Sections 498-A, 406, 34 IPC, at Police Station Kapurthala City, District Kapurthala, as well as, judgment of conviction and order of sentence dated 30.10.2019 passed by the Court of learned Chief Judicial Magistrate, Kapurthala are set aside. The petitioners are acquitted and fine, if any, deposited be refunded. Furthermore, the appeal preferred by the petitioners against the judgment of conviction and order of

sentence dated 30.10.2019 would be rendered infructuous and shall be so declared by the learned Sessions Judge where the appeal is pending.

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

August 17, 2022
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking	:	Yes / No
Whether reportable	:	Yes / No