

253 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46212-2021

Date of Decision: 21.03.2022

YADWINDER SINGH AND ORS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

...

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Yadvinder Singh Turka, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Ms. Jaspreet Kaur Sandhu, 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. 0211 dated 03.09.2019 registered under Sections 323, 34, 377, 406, 498-A and 511 of the Indian Penal Code, 1860 at Police Station Saha, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 07.12.2021 notice of motion was issued and 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 07.12.2021 learned Judicial Magistrate First Class, Ambala has recorded the statements of the parties and submitted his report, which reads as under:-

issued by the Hon'ble High Court vide order dated 07.12.2021 in CRM-M-46212-2021(O&M) titled as 'Yadwinder Singh & Anr. Vs. State of Haryana & Ors.' whereby parties were directed to appear before the court on 17.01.2022 for recording their statements with regard to compromise. Accordingly, file was taken up and case was adjourned to 17.01.2022 for the purpose. On 17.01.2022, the parties alongwith their respective counsel appeared before the court and got recorded their statements to the effect that they have compromised the matter with each other with intervention of the respectable of the society and members of the family voluntarily without any coercion or undue influence, pressure etc. from any side with a view to secure peaceful life for both the parties and their family members and also in order to avoid any bad blood between the parties in future. They requested for quashing of the FIR alongwith all the consequential proceedings arising therefrom against all the accused.

ASI Sukhbir Singh reported to the effect that the present case was registered on the complaint of Anuradha. FIR in this case was registered against five persons namely Yadwinder Singh, Bhag Ram, Smt. Bholi Devi, Pardeep Kumar and Arunima under Section 323, 377, 511, 406 and 498-A read with Section 34 of IPC. However, nothing was found against accused Pardeep Kumar and Arunima, so, they were not challaned and have been kept in column No.2. Section 377 and 511 of IPC were also not found to be made out against any of the accused, so the same were removed and the challan was submitted only under Section 406, 498-A and 323 read with Section 34 of IPC against accused Yadwinder Singh, Bhag Ram and Smt. Bholi Devi. Neither any of the accused is proclaimed offender in this case nor is involved in any other case. Complainant Anuradha is the sole victim in this case.

As such, from statements of the parties, I am of the opinion that the compromise is genuine, voluntary and without any coercion or undue influence. Original Copies of statements of the parties & police report and photo-stat copies of Aadhar-card of the parties are enclosed herewith for consideration of the Hon'ble High Court, please.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties. They have decided to reside together along with the minor daughter. The offence under Section 377 and 511 of IPC have been deleted.

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. 0211 dated 03.09.2019 registered under Sections 323, 34, 377, 406, 498-A and 511 of the Indian Penal Code, 1860 at Police Station Saha, and all the consequential proceedings arising therefrom are quashed qua the petitioners.

21.03.2022
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(VIVEK PURI)
JUDGE

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