

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53187-2021

Date of Decision: 28.03.2022

JASPAL SINGH BHALLA AND ANR ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vishva Bahl, Advocate, for the petitioners.

Mr. A.S.Gill, Senior Deputy Advocate General, Punjab.

Mr. Govind Rana, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

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.0035 dated 19.10.2019 under Sections 498-A and 406 IPC (added later on) registered at Police Station Women, District Amritsar on the basis of compromise.

On 20.12.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 20.12.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Amritsar has sent the report and the relevant portion of the same is reproduced here-in-below:-

“ I have the honour to submit that in compliance of order dated 20.12.2021, passed by Hon'ble High Court in CRM-M-53187-202, statement of complainant namely Rishika Bhalla has been recorded in FIR No.35 dated 19.10.2019 P.S.Women, Amritsar by Ms. Nirmla Devi Ld. JMIC/ASR i.e. Duty Magistrate. As per her

statement, she has effected the compromise with the accused voluntarily and without any misrepresenation, threat, coercion or duress. She has also placed before court copy of her adhar card.

Accused Jaspal Bhalla and accused Ajitpal Singh Bhalla have also got recorded their joint statement in the court of Ms. Nirmla Devi Ld. JMIC/ASR i.e. Duty Magistrate and he also stated that with the intervention of respectables, compromise has been effected and that parties have decided to enter into the same without any misrepresenation, undue influence or threat. It is pertinent to mention here that the statement of accused Ajitpal Bhalla has been recorded through V.C. from the mobile no. 9465561313 to mobile no.+61-466684922 and Ajitpal was identified by his father Jaspal Bhalla as well as by Sh. Vishva Bahl, Advocate. They undertook to remain bound by their statements. As a mark of identity, Jaspal Singh had placed on record copy of his adhar card.

Statement of investigating officer ASI/IO Kashmir Singh 1080/ASR (C), presently posted at PS Women, Amritsar has also been recorded to the effect that FIR was registered by Rishika Bhalla against accused Jaspal Singh Bhalla and Ajitpal Bhalla and there are two accused persons namely Jaspal Singh Bhalla and Ajitpal Bhalla involved in present FIR or occurrence. He further stated that except these two accused persons no other accused is involved in present FIR and that no person has been declared as proclaimed person in the present FIR and except present FIR, there is no other litigation pending between the parties. He also submitted that challan in the present case against aforesaid accused has not been presented till date and except present FIR, accused are not involved in any other case.

From the statement of complainant Rishika Bhalla

and Jaspal Singh Bhalla and Ajit Bhalla so recorded by the undersigned, the compromise arrived at between the parties apparently appears to be genuine, voluntary and out of free will of the parties, without their being any sort of pressure or coercion from any corner.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties. Petitioner No.2 shall be traveling from Australia and will carry respondent No.2 and minor child with him. Petitioner No.1 has executed the gift deed of the house in the name of the child of respondent No.2 and has also got prepared FDR worth Rs.5 lakh in his name. Petitioner No.1 will get deposited Rs.15,000/- per month in the bank account of his grandson for the maintenance/monthly expenses.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has stated that he has no objection if the 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. 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.

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***.

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.0035 dated 19.10.2019 under Sections 498-A and 406 IPC (added later on) registered at Police Station Women, District Amritsar 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.

28.03.2022
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(VIVEK PURI)
JUDGE

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