

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

248

CRM-M-52073 of 2021
Date of decision:22.03.2022

Arvinder Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sidhant Mehra, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Birinder Pal, Advocate for
Ms. Shubreet Kaur, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

On 14.12.2021, this Court passed the following order:-

“Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.0022 dated 16.03.2019 under Sections 498-A and 406 of the Indian Penal Code, 1860, registered at Police Station Division No.1, Pathankot, Annexure P-1, on the basis of compromise dated 01.12.2021, Annexure P-2.

Counsel for the petitioners submits that marriage of petitioner No.1 was solemnized with complainant-respondent

No.2 on 28.04.2007 and two daughters were born out of the wedlock. He submits that due to some misunderstanding between the parties, FIR, Annexure P-1, was registered at the instance of the complainant-respondent No.2, but all the disputes between the parties have now been settled by virtue of compromise, Annexure P-2, and the couple is happily residing together under one roof.

Notice of motion.

On asking of the Court, Mr. K.S.Aulakh, DAG, Punjab accepts notice on behalf of State-respondent No.1. Ms. Shubreet Kaur, Advocate has put in appearance and accepts notice on behalf of complainant-respondent No.2. She has admitted the factum of compromise as well as the fact that the parties are residing together.

The parties and the Investigating Officer are directed to appear before the Illaqa Magistrate/trial Court on 22.02.2022 or on any date within a fortnight thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Illaqa Magistrate/trial Court shall submit a report on or before the next date of hearing specifying the following:-

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*

- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties;*
- 5. whether any other criminal case is pending against the accused.*

Report of the Illaqa Magistrate/trial Court be awaited for 22.03.2022.”

Pursuant to above order, report has been received from the Court concerned and its relevant extract is reproduced as under:-

“Keeping in view all aspects and statements of the complainant, accused and Investigating Officer ASI Dharminder Kumar, this Court submits its report as under:-

- 1. As intimated by Investigating Officer and as it is apparent from police report there are only two accused arraigned in the First Information Report namely Arvinder Singh and Harshan Kaur and both of them appeared and made their statements. As intimated by Investigating Officer and as per Judicial Record, no accused has been declared proclaimed offender.*
- 2. As intimated by Investigating Officer, Ms. Jagmeet Kaur is the only aggrieved/victim and she has made her*

statement in support of the compromise.

3. As per judicial record case is pending for prosecution evidence.

4. From the statements of parties there appears to be a genuine compromise voluntarily entered into by the parties which is without any kind of force, fraud, coercion or undue influence.

5. As intimated by Investigating Officer and accused both the accused are not involved in any other criminal case.”

Upon instructions from ASI Bodh Raj, State counsel submits that on conclusion of the investigation, challan has been presented against both the accused-petitioners, charge has been framed and prosecution evidence is going on. He, however, does not have any objection to the quashing of impugned FIR as the couple have resolved their differences and are staying together.

Heard counsel for the parties.

Apex Court in ***Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641*** has summarized the broad principles on the basis of the precedents and has held that the inherent power of the High Court has a wide ambit and plenitude, which has to be exercised to secure the ends of justice or to prevent the abuse of the process of any Court. In ***Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR***

(Criminal) 322, Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

FIR (Annexure P-1) is an outcome of marital discord, which has been settled, the parties have ironed out their differences and are staying together. This Court is of the view that prolonging of the criminal proceedings would be futile and to secure the ends of justice, they deserve to be set aside.

Accordingly, the petition is allowed. FIR No.0022 dated 16.03.2019 under Sections 498-A and 406 of the Indian Penal Code, 1860, registered at Police Station Division No.1, Pathankot, (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

March 22, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes