

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38-2022 (O&M)
Date of Decision: 03.08.2022

LAKHWINDER SINGH AND ANOTHER ... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sherry K. Singla, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Ms. Poorva Gupta, Advocate for respondent Nos.2&3

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 44 dated 29.06.2021 registered under Sections 498-A, 307, 120-B of the Indian Penal Code and Sections 25 and 27 of Arms Act, 1959 at Police Station Kotfatta, District Bathinda and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-7).

On 27.05.2022, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 27.05.2022, learned Sub Divisional Judicial Magistrate, Talwandi Sabo has recorded the statements of the parties and submitted the report, the relevant para whereof reads as

under:-

“ Accordingly, both the parties have appeared before this Court on 04.07.2022. Statements of petitioners/accused no.1 namely, Lakhwinder Singh son of Harbans Singh son of Badan Singh, resident of village Burj Sema, Tehsil Maur, District Bathinda, accused no.2 namely, Simarieet Kaur wife of Harbans Singh son of Badan Singh, resident of Village Burj Sema, Tehsil Maur, District Bathinda and statement of complainant/respondent no.2 namely, Hardev Singh son of Gurcharan Singh, resident of Village Maisar Khana, P.S.Kot Fatta, District Bathinda and victim Kiranpreet Kaur daughter of Hardev Singh, now wife of Lakhwinder Singh, resident of village Burj Sema, Tehsil Maur, District Bathinda have been recorded. Both the parties have stated that the matter has been compromised between the parties, voluntarily and without any threat, coercion or undue influence. They have further stated that the present FIR may kindly be quashed on the basis of the compromise effected between the parties.

It is submitted that in the present FIR, there are two persons namely, Lakhwinder Singh son of Harbans Singh son of Badan Singh, resident of village Burj Sema, Tehsil Maur, District Bathinda and Simarjeet Kaur wife of Harbans Singh son of Badan Singh, resident of Village Burj Sema, Tehsil Maur as accused in the present FIR. It is further submitted that none of the accused/petitioners were declared proclaimed offender in the present FIR and none of the accused were involved in any other case.

It is further submitted that statement of ASI Krishan Singh No. 559/BTI, Investigating Officer in the present FIR, has also been recorded. As per the statement of Investigating Officer, there is only one complainant and one victim in the present FIR. As per record, none of the accused were declared proclaimed offenders in the present FIR. It is further submitted that accused were not involved in any other case.

It is further submitted that as per the statements of the parties the compromise effected between the parties is genuine, voluntary and without any pressure, coercion or undue influence.”

Learned counsel for the petitioners contend that the

matrimonial dispute has been amicably settled between the parties in terms

of compromise, Annexure P-7. The FIR was lodged by respondent No.2 who is father of respondent No.3 (wife) on 29.06.2021 on the following day of occurrence. Respondent No.3 had made a statement to the effect that she had sustained fire arm injury on account of accidental firing of the weapon by the petitioner No.1 while cleaning the same. Even same version was recorded in her statement under Section 164 Cr.P.C. Moreover, respondent No.3 has recovered from the fire arm injury. She was and is hale and hearty. She was running pregnancy at the time of occurrence and subsequently, she had given birth to a male child on 19.08.2021. The respondent No.3 along with the minor child is happily residing in the matrimonial house with petitioner No.1.

Learned counsel for respondent Nos.2 & 3 has acknowledged this fact and has stated that she has no objection if the aforementioned FIR is quashed.

Although, in the instant case, the offence under Section 307 IPC has been added but it is significant to note that the dispute sought to be settled is a matrimonial dispute. The petitioner No.1 and respondent No.3 are now happily residing in the matrimonial house with the minor child. In such circumstances, it shall not be appropriate to disturb the cordial matrimonial life of the parties by allowing the present proceedings initiated on the basis of aforesaid FIR to continue.

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

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. 44 dated 29.06.2021 registered under Sections 498-A, 307, 120-B of the Indian Penal Code and Sections 25 and 27 of Arms Act, 1959 at Police Station Kotfatta, District Bathinda and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

03.08.2022

Janki

(VIVEK PURI)
JUDGE

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