

273 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-18328-2023

Date of Decision: 29.08.2023

SAKATTAR SINGH AND ORS.

...Petitioner

V/S

STATE OF PUNJAB AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. P.S. Kanwar, Advocate
for the petitioners.

Mr. Hittan Nehra, Addl. AG Punjab.

Mr. Amit Arora, Advocate
for respondents No. 2 to 4.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 220 dated 30.09.2021 registered under Sections 323, 354, 427, 452, 506, 120-B, 148 and 149 of Indian Penal Code at Police Station Goindwal Sahib, District Tarn Taran along with all subsequent proceedings arising therefrom on the basis of compromise.
2. Vide order dated 17.04.2023, passed by this Court, 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.
3. In compliance of the aforesaid order, report has been received from the court of Sub Divisional Judicial Magistrate, Khadur Sahib and the relevant portion is reproduced hereinbelow:

“The statement of ASI Baljinder Singh was also recorded, as per statement of IO, he mentioned that the present FIR was

registered on the statement of complainant Harjinder Singh, Satnam Kaur and Manpreet Kaur against eight accused persons namely Sakattar Singh, Dilbagh Singh, Bagicha Singh, Hardev Singh, Kulwinder Kaur, Rajwinder Kaur, Davinder Kaur and Kanwaljit Kaur

1 That there is no any other accused other than the petitioner arrayed in this petition.

2. That no other person apart from the respondents no. 2 to 4 are aggrieved.

3. That no persons are involved in any other criminal case.

4. That no persons are declared Proclaimed Offender in this case.

That the compromise drawn amongst the parties concerned, covers all the concerned in the penal transaction concerned and the same is genuine, voluntarily, without any coercion or undue influence with their free will.”

4. Learned counsel for the petitioners contend that the present FIR has been registered on the allegation that the petitioners had committed trespass in the house of respondents No. 2 to 4, inflicted injuries and outraged the modesty of respondents No. 3 and 4. The injuries are stated to be under Section 323 of Indian Penal Code. The present FIR is an off shoot of marital discord between petitioner No. 6 and respondent No. 2 and the said marital discord has been amicably settled. The petitioner No. 6 and respondent No. 2 have resumed co-habitation and both of them are happily residing in the matrimonial house. The amicable settlement will help in maintaining cordial relations between the parties.

5. Learned counsel for respondents No. 2 to 4 has not disputed the aforesaid factual aspects and has stated that he has no objection if the FIR is quashed.

6. After hearing learned counsel for the parties and going through

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.

7. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the present FIR is an off shoot of matrimonial dispute between petitioner No. 6 and respondent No. 2 and the same has also been amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

8. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

9. Accordingly the present petition is allowed and FIR No. 220 dated 30.09.2021 registered under Sections 323, 354, 427, 452, 506, 120-B, 148 and 149 of Indian Penal Code at Police Station Goindwal Sahib, District Tarn Taran and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

29.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No