

247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32391-2021
Date of Decision: 06.02.2023

SHIV KUMAR AND ANOTHER ... PETITIONERS
V/S
STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ramandeep Singh, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Gurpreet Singh, Advocate for respondent No. 4.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 64 dated 09.05.2018 under Sections 328, 342, 34 IPC registered at Police Station Payal, District Khanna and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR has been registered on the allegations that petitioner No.1 is the husband and petitioner No.2 is the sister of respondent No.4. The petitioners were allegedly having illicit relations and they had administered some poisonous substance to respondent No.4.

On 05.10.2021 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 05.10.2021, learned Addl.

Sessions Judge, Ludhiana has recorded the statements of the parties and

submitted his report, the relevant portion whereof reads as under:-

“In this regard, I have the honour to submit that as per above referred order dated 5.10.2021 today i.e 26.10.2021 the petitioners Shiv Kumar and Saroj Rani and respondent No.4 Veena Rani (complainant) appeared before this Court and got recorded their respective statements with regard to compromise effected between them. They were duly identified by their respective counsels. From the careful perusal of the same, it appears to this court that the parties i.e complainant Veena Rani (respondent No.4 before Hon'ble High Court) and Shiv Kumar and Saroj Rani (petitioners before Hon'ble High Court have amicably compromised the matter in case FIR No.64 dated 9.5.2018, under sections 328,342,34 IPC, registered with P.S.Payal and it also appears therefrom that the compromise effected between them is genuine, voluntary and without any coercion or undue influence. It is evident from their statements and record that only two accused (petitioners) were arrayed as accused in the above referred FIR and no accused was declared as proclaimed offender.”

Learned counsel for the petitioners contend that the FIR was got registered on account of some misunderstanding. Neither any poisonous substance was administered nor it was sent to FSL or chemical examiner. The dispute has been amicably settled between the parties and Annexure P-2 is the affidavit of respondent No.4. The present FIR is an offshoot of marital discord between petitioner No.1 and respondent No.4. The petitioner No.1 and respondent No.4 are happily residing in the matrimonial home. Petitioner No.2 is the sister of respondent No.4. The parties are close relatives and the amicable settlement will help in maintaining cordial relations between them in future.

Learned counsel for respondent No.4 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 private dispute of the close relatives 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. 64 dated 09.05.2018 under Sections 328, 342, 34 IPC registered at Police Station Payal, District Khanna and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

06.02.2023
Janki

(VIVEK PURI)
JUDGE

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