

247 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2023:PHHC:047184

CRM-M-36795-2021
Date of Decision: 29.03.2023

HAPPY RAM AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.S.Lakhanpal, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Anantdeep Singh, Advocate for respondent No. 2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.170 dated 31.8.2019 under Sections 354/323/506/148/149 IPC registered at Police Station Sadar, Patiala, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 07.09.2021 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 07.09.2021, learned Addl. Chief Judicial Magistrate, Patiala has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“On 1.10.2021 complainant, Charanjit Kaur w/o Happy Ram, appeared in the Court and suffered statement (copy enclosed) to the effect that she has

compromised the matter with the accused persons, namely, Happy Ram, Bhola Ram, Seeto Devi, Tarsem Lal and Seema Rani, in respect of the FIR No.170 dated 31.8.2019 under Sections 354/323/506/148/149 IPC Police Station Sadar, Patiala. She has further stated that compromise is voluntary, without any coercion, threat or undue influence and the same will lead to maintenance of peace and harmony between them and will improve their relations amongst each other. She has further stated that compromise is genuine and no other criminal proceedings are pending between the parties and that she is the only complainant/injured affected aggrieved party in the present and there are only five accused and they have not been declared as proclaimed offender. She has further stated that she has no objection in case the FIR is quashed as per the compromise. She has further placed on record copy of her self attested Aadhar card EX P1 (copy enclosed). The complainant has been identified by Ms.Kusam Sood, Advocate.

On 1.10.2021 accused persons, namely, Happy Ram s/o Bhola Ram, Bhola Ram s/o Lalli Ram, Seeto Devi w/o Bhola Ram. Tarsem Lal s/o Bhola Ram and Seema Rani d/o Bhola Ram, had also appeared in the Court and suffered separate similar statement (copy enclosed) with regard to the compromise. The accused have also produced on record copies of their self attested Aadhar cards EX P2 to EX P6 (copies enclosed). The accused persons have been identified by Sh.Deepak Sood, Advocate.

Investigating Officer of the present case i.e. ASI Sarabjit Kaur had also come present, in the Court, on 7.10.2021 and suffered statement (copy enclosed) to the effect that there is only one complainant injured/affected aggrieved party in the present case and five accused persons and none of them has been declared as proclaimed offender.

Therefore, in view of the above statements of the parties, as well as Investigating Officer ASI Sarabjit Kaur, it is reported that all the affected parties have entered into compromise, which appears to be genuine compromise and has been effected without there being any kind of influence or coercion. It is further submitted that there is no other accused in present case, except the petitioners arrayed in the petition and that there is no other complainant or affected/aggrieved party, except the respondent arrayed in the petition and that no accused has been declared as proclaimed offender in the present case.”

Learned counsel for the petitioners contend that the FIR has been registered on the allegations that the marriage of respondent No.2 was solemnized with petitioner No.1 and a son has been born from the wedlock. The petitioner No.2 is the father-in-law of respondent No.2 and he had tried to outrage her modesty. The petitioner Nos.3, 4 and 5 are the mother-in-law, brother-in-law and sister-in-law respectively of respondent No.2 and had inflicted injuries on her person. The injuries are simple in nature. The present FIR is an offshoot of matrimonial dispute between the petitioner No.1 and respondent No.2. The dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The respondent No.2 along with the minor son is happily residing with petitioner No.1 in the matrimonial house. The amicable settlement will help in maintaining cordial relations between the parties who are close relatives.

Learned counsel for respondent No.2 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.

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. 170 dated 31.8.2019 under Sections 354/323/506/148/149 IPC registered at Police Station Sadar, Patiala, District Patiala and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

29.03.2023

Janki

(VIVEK PURI)
JUDGE

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