

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44655-2023
Date of decision: 15.12.2023

JASBIR SINGH AND ORS.

.....Petitioners

versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Suneet Pal Singh Aulakh, Advocate
for the petitioners.

Mr. Harpreet Singh, Addl. A.G., Punjab.

Mr. Gurjant Singh Swaich, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.32 dated 20.05.2023, under Sections 498-A, 406, 323, 120-B IPC, registered at Police Station Fattu DHINGA, District Kapurthala (Annexure P-1), on the basis of compromise dated 16.06.2023 (Annexure P-2), arrived at between the parties.

[2] It is contended on behalf of the petitioners that the parties have compromised the matter. The FIR is only registered against the present petitioners and no other person is involved as an accused in the FIR. No other case is pending against the petitioners nor have they been declared as PO in this case. The parties have filed a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955. As such, respondent No.2 does not want to take any action against the petitioner on the basis of the FIR registered on her behalf.

[3] On 06.09.2023, Mr. Gurjant Singh Swaich, Advocate had put in appearance on behalf of respondent No.2 and acknowledged the factum of the

[4] On 06.09.2023, the parties were directed to appear before the trial Court/Illaqa Magistrate for recording of their statements regarding the compromise.

[5] As per report dated 03.11.2023 of the Sub-Divisional Judicial Magistrate, Sultanpur Lodhi, through the District & Sessions Judge, Kapurthala, statements of petitioners/accused Jasbir Singh, Manjit Kaur, Harpreet Singh and Gursewak Singh were recorded. The following report has been sent regarding the genuineness of the compromise:-

“(i) As per statement of investigating officer, four persons namely petitioners/accused Jasbir Singh son of Atma Singh, Manjit Kaur wife of Jasbir Singh, Harpreet Singh son of Jasbir Singh and Gursewak Singh son of Jasbir Singh, have been arrayed as accused in the present FIR and they have made statements qua compromise.

(ii) As per statement of investigating officer, petitioners/accused have not been declared PO in this case or in any other case.

(iii) As per statement of investigating officer, Amanpreet Kaur wife of Harpreet Singh, is the only complainant/victim in the present case, who made statement qua compromise.

(iv) No report under Section 173 Cr.P.C. presented by the police till date.

(v) In view of statements suffered by the parties before the Court, it appears that parties have effected compromise which is genuine, voluntary and out of free will and is not the result of any threat, pressure or undue influence etc. in any manner.

(vi) As per affidavit furnished by petitioner/accused themselves, no other FIR is registered/pending against the petitioners/accused except the present case.”

[6] The Hon'ble Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, has held that the compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. While exercising powers under Section 482 of the Criminal Procedure Code, in the event of a compromise the power is not limited to matrimonial disputes alone. The only principle that can be laid down which has been incorporated in the Section itself i.e., “to prevent abuse of the process of any Court” or “to secure the ends of justice”. The relevant para No.25 and 28 reads as under:-

“25. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to

exercise its power under Section 482 of the Criminal Procedure Code The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice.

28. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord- tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation."

[7] Keeping in view the fact that the parties want to bury their dispute and do not want to further drag the litigation, the ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties. Since the compromise is without any coercion and pressure and the FIR is registered only against the present petitioners, no other person is involved as an accused in the FIR and no other case is pending against the petitioners nor have they been declared PO in this case, as such, the criminal proceedings deserve to be quashed.

[8] Consequently, the present petition is allowed and FIR No.32 dated 20.05.2023, under Sections 498-A, 406, 323, 120-B IPC, registered at Police Station Fattu DHINGA, District Kapurthala (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.

[9] Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

15.12.2023
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