

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-58974-2022

Date of Decision: 24.01.2023

SUKHDEV SINGH AND ANOTHER ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. N.S.Dadwal, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Jagjit Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.0238 dated 18.10.2017 under Sections 294, 504, 506 and 511 IPC registered at Police Station Hathur, District Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise.

On 16.12.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 16.12.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jagraon has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Both the parties stated that they have compromised the matter with the intervention of the respectable persons of the society at their own free will and consent, voluntarily without any pressure and now they have no grudge against each other.

I am satisfied with regard to the authenticity

of the compromise and the fact that it has been arrived at between the parties without any kind of undue influence or pressure. The parties have placed on record their identity proofs which are correct as per original and copies of the same are attached herewith for your kind perusal and both the parties have been duly identified by their respective counsel.

It was assured beforehand that the parties are giving their statements voluntarily without any pressure and I am satisfied that, the compromise is genuine and voluntary and without any coercion or undue influence.”

Learned counsel for the petitioners contend that the FIR has been registered at the instance of respondent No.2 on the allegations that the petitioners had threatened to kill his son and had also submitted false complaint against him. It has been submitted that petitioner No.1 is the son-in-law of respondent No.2. There was matrimonial dispute between petitioner No.1 and daughter of respondent No.2. The matrimonial dispute has been amicably settled between them. Their marriage had been dissolved by a decree of divorce. The present case is off-shoot of the matrimonial dispute of petitioner No.1 and daughter of respondent No.2. The dispute has been amicably settled in terms of compromise, Annexure P-2.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. 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.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the private dispute which is off-shoot of 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***.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 0238 dated 18.10.2017 under Sections 294, 504, 506 and 511 IPC registered at Police Station Hathur, District Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the petition stands allowed.

24.01.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No