

266

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59430-2023 (O&M)

Date of Decision: 02.02.2024

VIKRAMJIT SINGH

.....PETITIONER

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. K.D. Sidhu, Advocate, for
Mr. Jasdeep Singh Bhullar, Advocate,
for the petitioner.

Mr. Kunwarbir Singh, A.A.G., Punjab.

None for respondent No. 2.

HARPREET KAUR JEEWAN J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No. 44 dated 23.06.2023, under Sections 495, 406 and 498-A of the IPC, registered at Police Station Women Cell, District Bathinda, on the basis of a compromise 20.10.2023 (Annexure P-2) executed between the parties.
2. Counsel for the petitioner contends that the FIR was registered at the instance of respondent No. 2-complainant who is the wife of the present petitioner. A copy of the compromise dated 20.10.2023 (Annexure P-2) executed between the parties has been annexed herewith. They have resolved their dispute with the intervention of the respectable persons. Respondent No. 2 does not want to take any action against the present petitioner.

3. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

4. Though no one has put in appearance on behalf of the complainant today but on the last date of hearing, i.e. 24.11.2023 when the parties were directed to appear before the learned trial Court for recording of their statements in respect of the compromise, Mr. Onkar Singh, Advocate, had appeared on behalf of respondent No. 2 and duly confirmed about the factum of compromise.

5. Pursuant to the aforesaid order, Sh. Sumit Garg, Judicial Magistrate Ist Class, Bathinda, has sent a report with following observations after recording the statements of the petitioner, respondent No. 2-complainant and ASI Bhupinder Singh (Investigation Officer):-

- *The compromise is willful and without any pressure or misrepresentation.*
- *Identity of the parties was ascertained by their respective Advocates.*
- *There is no other accused involved in the matter.*
- *The petitioner has never been declared Proclaimed Offender in the present FIR.*
- *After registration of the FIR no offence was added or deleted during investigation.*
- *FIR was registered against the accused only.*
- *Compromise is forwarded in original.*
- *This is your kind information, please.*

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 it was a matrimonial dispute between petitioner and respondent No. 2 which has now been resolved with the intervention of the respectables and the fact that the compromise is voluntary 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 allegations in the FIR were not against the society, as such the criminal proceedings deserve to be quashed.

8. Consequently, the present petition is allowed and FIR No. 44 dated 23.06.2023, under Sections 495, 406 and 498-A of the IPC and all the

subsequent proceedings emanating therefrom are ordered to be quashed qua
the petitioner.

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

February 02, 2024
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No