



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

238 1. CRM-M-14282-2024

Rinku

...Petitioner

Versus

State of Haryana and another

.... Respondent

2. CRM-M-40623-2024

Amit Kumar @ Sandeep and another

....Petitioners

Versus

State of Haryana and another

.... Respondents

Date of Decision: 04.12.2024

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Bhupinder Singh, Advocate
for the petitioner(s) (in both cases).

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. GovindMor, Advocate
for respondent No. 2 (in both cases).

NIDHI GUPTA, J. (ORAL)

By this common order, 02 aforementioned petitions are being disposed of as, prayer in both the aforementioned petitions filed under Section 482 Cr.P.C., is for quashing of FIR No. 521 dated 04.09.2015, registered under Sections 323, 354, 406, 506 and 498-A IPC (Annexure P-1 in both cases) at Police Station Assandh, District Karnal and all the consequential proceedings arising therefrom including the judgment dated 12.11.2018 (Annexure P-2 in CRM-M-40623-2024). CRM-M-14282-2024, has been filed by petitioner, namely, Rinku/husband of



respondent No. 2-complainant for quashing of the aforesaid FIR, **on merits**; whereas the connected petition bearing CRM-M-40623-2024 has been filed by petitioners, namely, Amit Kumar @ Sandeep and Kehar Singh, who are brother-in-law/*dewar* (petitioner No. 1) and father-in-law (petitioner No. 2), respectively, for quashing of aforesaid FIR as well as the judgment dated 12.11.2018 (Annexure P-2), on the basis of Settlement/Agreement dated 01.05.2023 (Annexure P-4) appended with CRM-M-40623-2024. For brevity, the facts are being extracted from CRM-M-14282-2024.

On 23.08.2024, when both the aforesaid petitions were listed for hearing, following common order has been passed by this Court:-

*Prayer in both the aforementioned petitions filed under Section 482 Cr.P.C., is for quashing of FIR No. 521 dated 04.09.2015, registered under Sections 323, 354, 406 and 498-A, 506 IPC (Annexure P-1 in both cases) at Police Station Assandh, District Karnal and all the consequential proceedings arising therefrom including the judgment dated 12.11.2018 (Annexure P-2 in CRM-M-40623-2024). CRM-M-14282-2024, has been filed by petitioner, namely, Rinku/husband of respondent No. 2-complainant for quashing of the aforesaid FIR, **on merits**; whereas the connected petition bearing CRM-M-40623-2024 has been filed by petitioners, namely, Amit Kumar @ Sandeep and Kehar Singh, who are brother-in-law/*dewar* (petitioner No. 1) and father-in-law (petitioner No. 2), respectively, for quashing of aforesaid FIR as well as the judgment dated 12.11.2018 (Annexure P-2), on the basis of Settlement/Agreement dated 01.05.2023 (Annexure P-4) appended with CRM-M-40623-2024.*

Learned counsel for the petitioner(s), inter alia, submits that the present FIR emanates from the matrimonial dispute between the parties. Marriage of the petitioner-Rinku (in CRM-M-14282-2024) with complainant/respondent No.2 was solemnized in the year 2008. No child was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately. It is submitted that there are total 05 accused in the present case i.e. (i) Rinku-husband (petitioner in CRM-M-14282-2024) (ii) Bala Devi/mother-in-law; (iii) Amit Kumar @ Sandeep/brother-in-law-Devar; (iv) Kehar Singh/father-



in-law (petitioners in CRM-M-40623-2024); and (v) Rajender/brother-in-law-Nandoi of respondent No. 2-complainant. Learned counsel submits that out of the aforesaid total 05 accused persons, 04 accused, namely, Bala Devi, Kehar Singh (parent-in-law) and Amit Kumar @ Sandeep and Rajender/brothers-in-law/Devar and Nandoi, respectively, have faced trial in the aforesaid FIR; and petitioner-Rinku (in CRM-M-14282-2024) who is residing abroad, was declared as proclaimed offender. After full fledged trial, the learned trial Court vide judgment dated 12.11.2018 (Annexure P-2 in CRM-M-40623-2024) had acquitted, co-accused-Rajender/Nandoi; and convicted and sentenced the remaining three accused as under:-

Name	Under Section	Sentence imposed	In default of payment of fine
Bala Devi	498-A IPC.	She was released on probation on furnishing of probation bonds in the sum of Rs.40,000/- with one surety in the like amount for two years.	----
Amit Kumar @ Sandeep and Kehar Singh	354-A IPC.	RI for 02 years fine of Rs.2000/- each.	SI for 03 months each.
	498-A IPC	RI for 02 years fine of Rs.2000/- each.	SI for 03 months each.
	323 IPC	SI for 04 months each.	----
All the above sentences were ordered to run concurrently.			

Further, petitioner-Rinku/husband of respondent No. 2-complainant, has filed a petition bearing CRM-M-55065-2019, for setting aside the order dated 10.04.2017 declaring him as proclaimed person and vide order dated 28.04.2023 (Annexure P-2), a co-ordinate Bench of this Court, referred the matter to the Mediation and Conciliation Centre of this Court, to explore the possibility of an amicable settlement between the parties. Pursuant thereto, all the disputes stand settled between the parties vide Settlement Agreement dated 01.05.2023 (Annexure P-3 in CRM-M-14282-2024). It is submitted that as per terms and conditions mentioned in para Nos. 6 and 7 of the said agreement, the parties shall withdraw all the litigations (as contained in para No. 6 of the agreement) filed by them against each other; and petitioner-husband shall pay a total sum of Rs16,00,000/- to respondent No. 2-complainant towards full and final settlement. Admittedly, out of the said amount of Rs.16,00,000/-; an amount of Rs.6,00,000/- has already been paid by the petitioner-husband in cash to respondent-wife. The petitioner-husband has also deposited the remaining amount of



Rs.10,00,000/-, with the learned Family Court, Camp Court, Assandh by way of demand draft dated 609770 dated 20.04.2024 in favour of respondent No. 2-complainant and this fact has been reflected in the order dated 30.07.2024 (Annexure P-3), passed by the learned Family Court, concerned, appended with connected petition (in CRM-M-40623-2024 at page 47 of the paper-book). Learned counsel for respondent No. 2 has also admitted this fact.

Learned counsel for the petitioner(s) points out that respondent No. 2-complainant has registered 07 cases against him and his family members, as enumerated in para 6 of the Settlement Agreement dated 01.05.2023. It is prayed that a direction may be given that the aforesaid demanded draft of Rs.10,00,000/- so deposited by the petitioner with the learned Family Court, concerned, shall be released to respondent No. 2-complainant, only after she fully complies with the terms and conditions as mentioned in para No. 7 of the Settlement Agreement dated 01.05.2023.

Learned counsel for respondent No. 2-complainant although, submits that said pre-condition of withdrawal of all cases is not part of Settlement Agreement dated 01.05.2023; however, has no objection to the same and undertakes that respondent No. 2-complainant shall withdraw all the cases filed by her against the petitioners and his family members before the next date of hearing.

Accordingly, in the interest of justice and fair play it is directed that the learned Family Court, concerned, shall release the demand draft of Rs.10,00,000/- to respondent No. 2-complainant, only after compliance of the aforesaid undertaking.

*In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the Settlement Agreement dated 01.05.2023 (Annexure P-3) on **09.09.2024** or any other date convenient to the learned trial Court by moving an appropriate application or by presenting this order.*

*The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. **04.12.2024** containing the following information:-*

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The trial Court is also directed to record the statement of the Investigating Officer so as to know*



how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.

A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court.

A photocopy of this order be placed on the file of other connected case.”

Pursuant to the order dated 23.08.2024, reproduced above, the parties have appeared before the learned Judicial Magistrate Ist Class, Karnal, to get their statements recorded. Learned Judicial Magistrate Ist Class, Karnal, has submitted her report along with statements of the parties vide letter dated 27.09.2024 duly forwarded by the learned District and Sessions Judge, Karnal.

A perusal of the above said report would show that the petitioner(s) (in both cases) and complainant/respondent No. 2 have appeared and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners, *inter alia*, submits that the present FIR emanates from matrimonial dispute between the parties. Marriage of the petitioner-Rinku (in CRM-M-14282-2024) with complainant/respondent No.2 was solemnized in the year 2008. No child was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately. Now, all the disputes stand settled between the parties vide Settlement Agreement dated 01.05.2023 (Annexure P-3 in CRM-M-14282-2024).

It is additionally submitted by learned counsel for the petitioner(s) the all the disputes stand settled between the parties for a sum



of Rs.16,00,000/- which already stands paid by the petitioners to respondent No. 2-complainant.

Learned counsel for the respondent No. 2-complainant has stated that he has 'no objection' in case both the petitions are disposed of and the impugned FIR No. 521 dated 04.09.2015 and all subsequent proceedings arising therefrom including the judgment dated 12.11.2018 (Annexure P-2 in CRM-M-40623-2024), on the basis of Settlement/Agreement dated 01.05.2023 (Annexure P-3 in CRM-M-14282-2024), are ordered to be quashed qua the petitioner herein.

Learned counsel for the State also submits that he has no objection, in case the present petition is allowed and the impugned FIR is ordered to be quashed qua the petitioners.

I have heard learned counsel for the parties.

After perusing the report submitted by the learned Judicial Magistrate Ist Class, Karnal, this Court finds that the matter has been amicably settled between the parties. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

At this stage reference can be made to a judgment of the Hon'ble Supreme Court in ***Ram Gopal and Anr. Vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322***; and also to a judgment of Hon'ble Division Bench of this Court in ***Sube Singh vs. State of Haryana 2013(4) RCR (Criminal) 102***, wherein it has been held that the powers of the Court under Section 482 Cr.P.C. can be invoked to quash a complaint/FIR on the basis of a voluntary compromise even at a post-conviction stage.



The Hon'ble Division Bench of this Court in ***Sube Singh's case (supra)***, in para Nos. 11 to 13, 15 and 17 held as under:

“(11) The extent and sweep of inherent power exercisable by the High Court under Section 482 CrPC for quashing the criminal proceedings on the basis of compromise between the offender and the victim of crime in a case which is not compoundable under Section 320 CrPC, has since been considered in extenso and answered by the Hon'ble Supreme Court in ***Gian Singh Vs. State of Punjab &Anr.***, (2012) 4 RCR (CrL.) 543, laying down that the compounding of offence and quashing of criminal proceedings are two separate things and not interchangeable and that the two powers are distinct and different although ultimate consequence may be the same. It has been authoritatively ruled that where the offender and victim have settled their dispute, the High Court in exercise of its inherent power under Section 482 CrPC, is competent to quash criminal proceedings even relating to the non-compoundable offences though such a power need to be invoked sparingly and not when the offences are heinous, serious, of mental depravity or like murder, rape, dacoity etc. The pronouncement thus says:

52. xxx xxx xxx

53. Quashing of offence or criminal proceedings on the ground of settlement between an offender and victim is not the same thing as compounding of offence. They are different and not interchangeable. Strictly speaking, the power of compounding of offences given to a court under Section 320 is materially different from the quashing of criminal proceedings by the High Court in exercise of its inherent jurisdiction. In compounding of offences, power of a criminal court is circumscribed by the provisions contained in Section 320 and the court is guided solely and squarely thereby while, on the other hand, the formation of opinion by the High Court for quashing a criminal offence or criminal proceeding or criminal complaint is guided by the material on record as to whether the ends of justice would justify such exercise of power although the ultimate consequence may be acquittal or dismissal of indictment.

54. xxx xxx xxx

(12) The decision in ***Gian Singh's case (supra)*** also approves the view taken by a five-Judge Bench of this Court in ***Kulwinder Singh &Ors. Vs. State of Punjab &Anr.***, 2007(3) RCR (CrL.) 1052.

(13) It is indeed now unarguable to say that the power exercisable by the High Court under Section 482 CrPC for the quashing of criminal prosecution is limited or affected by



the provision of Section 320 CrPC.

(14) xxx xxx xxx

(15) *The refusal to invoke power under Section 320 CrPC, however, does not debar the High Court from resorting to its inherent power under Section 482 CrPC and pass an appropriate order so as to secure the ends of justice.*

(16) xxx xxx xxx

(17) *The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Cr.PC with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 CrPC but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”*

As per the Full Bench judgment of this Court in “**Kulwinder Singh and others Vs. State of Punjab**”, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of “**Gian Singh Vs. State of Punjab and another**”, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced here-in-below:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in

quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

In view of what has been discussed here-in-above, both the aforementioned 02 petitions are **disposed of**; and FIR No. 521 dated 04.09.2015, registered under Sections 323, 354, 406, 506 and 498-A IPC (Annexure P-1 in both cases) at Police Station Assandh, District Karnal and all the consequential proceedings arising therefrom including the judgment dated 12.11.2018 (Annexure P-2 in CRM-M-40623-2024) on the basis of Settlement/Agreement dated 01.05.2023 (Annexure P-3 in CRM-M-14282-2024), are ordered to be quashed, qua the petitioners, namely, (i) Rinku/husband of respondent No. 2-complainant (in CRM-M-14282-2024); (ii) Amit Kumar @ Sandeep and (iii) Kehar Singh (in CRM-M-40623-2024), who are brother-in-law/*dewar* and father-in-law respectively of respondent No. 2-complainant.

Pending application(s), if any (in both the cases), are also stand disposed of.

A photocopy of this order be placed on the file of other connected case.

04.12.2024
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(NIDHI GUPTA)
JUDGE

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