



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-34242-2020

Date of Decision: 26.11.2024

Manjit Kaur and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. G.S. Bedi, Advocate for
Mr. Pawandeep Singh, Advocate for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Rahul Garg, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 88 dated 22.08.2017 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Mehtiana, District Hoshiarpur and consequential proceedings arising therefrom, on the basis of compromise dated 05.08.2020 (Annexure P-2) effected between the parties.

On the last date of hearing i.e. 19.07.2024, when this case was listed for hearing, following order was passed by this Court:-

CRM-28612-2024

Application is allowed, as prayed for.

Copies of orders dated 22.12.2023, passed by this Court in CRM-40175-2020, passed by a co-ordinate Bench of this Court and 25.01.2024 passed by the learned Additional Sessions Judge, Hoshiarpur, are taken on record as Annexures P-7 and P-8, respectively, subject to all just



exceptions.

CRM-M-34242-2020

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 88 dated 22.08.2017 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Mehtiana, District Hoshiarpur and all consequential proceedings arising therefrom on the basis of compromise dated 05.08.2020 (Annexure P-2) arrived at between the parties.

In the present case, petitioner No. 1 is the mother-in-law; petitioner No. 2 is the brother-in-law/Nandoi; whereas petitioner No. 3 is the husband of respondent No. 2-complainant. Vide order dated 22.12.2023, a co-ordinate Bench of this Court had directed the parties to appear before the learned Illaqa Magistrate/trial Court, for recording their statements qua genuineness of compromise. Pursuant thereto, report from the Judicial Magistrate Ist Class, Hoshiarpur, was received wherein it is reported that statements of the parties could not get recorded as the complainant did not appear before the Court concerned for recording her statement as her grand-mother was expired and vide order dated 12.03.2024, another opportunity was granted to the parties to do the needful. Thereafter, on 28.05.2024, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“Report has been received from the concerned Judicial Magistrate to the effect that statements of petitioners No. 1 and 2, respondent No. 2 as well as the Investigating Officer have been recorded. The same are annexed with this report. However, as per this report, statement of petitioner No. 3-Amarjit Singh could not be recorded as he is staying abroad and could appear on that date.

It has been brought to the notice of this Court by learned State counsel that petitioner No. 3 had been declared proclaimed person.

Learned counsel for the petitioners has submitted that the order declaring petitioner No. 3 as proclaimed person has since been quashed vide order dated 20.03.2024, passed by this Court in CRM-M-40175-2020. He seeks time to place on record copy of the said order.

Adjourned to 19.07.2024”.

In compliance thereof, learned counsel for the petitioners has placed on record copy of order dated 22.12.2023 (Annexure P-7) passed by a co-ordinate Bench of this Court quashing the order dated 16.07.2018 passed by



the learned trial Court declaring petitioner No. 3 as proclaimed person as well as the copy of order dated 25.01.2024 (Annexure P-8), passed by the learned Additional Sessions Judge, Hoshiarpur, whereby petitioner No. 3 was granted pre-arrest bail. It is accordingly prayed by learned counsel for the petitioner that now the petitioner No. 3 may be permitted to record his statement qua genuineness of compromise dated 05.08.2020 (Annexure P-2), arrived at between the parties. Learned counsel further submits that the next date before the learned trial Court is 31.08.2024.

Learned counsel for the State as well as learned counsel for respondent No. 2-complainant have not disputed the aforesaid submissions made by learned counsel for the petitioners.

*In view of the above, petitioner No. 3 is directed to appear before the trial Court/Illqa Magistrate for recording his statements with regard to the compromise (Annexure P-2) on **31.08.2024** the date already fixed before the learned trial Court or any other date convenient to the learned trial Court by moving an appropriate application or by presenting this order.*

*The trial Court/Illqa Magistrate is directed to submit fresh report on or before the next date of hearing i.e. **26.11.2024** in terms of previous order dated 22.12.2023, passed by a co-ordinate Bench of this Court.*

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

Pursuant thereto, petitioner No. 3-Amarjit Singh Doad, appeared before the learned Judicial Magistrate Ist Class, Hoshiarpur, to get his statement recorded. Learned Judicial Magistrate Ist Class, Hoshiarpur, has submitted her report along with statement of petitioner No. 3 vide letter dated 22.11.2024 duly forwarded by the learned District and Sessions Judge, Hoshiarpur.

A perusal of the above said report would show that the petitioners and respondent No. 2 have appeared before the learned trial Court and suffered statements with respect to the compromise which have



been found to be genuine, voluntary and without any coercion and undue influence.

Learned State counsel has stated that she has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioners.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Judicial Magistrate Ist Class, Hoshiarpur, this Court finds that the matter has been amicably settled between the petitioners and respondent No. 2. 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.

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, this petition is allowed and FIR No. 88 dated 22.08.2017 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Mehtiana, District Hoshiarpur and consequential proceedings arising therefrom, on the basis of compromise dated 05.08.2020 (Annexure P-2) effected between the parties, are ordered to be quashed qua the petitioners.

26.11.2024
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(NIDHI GUPTA)
JUDGE

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