



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-35107-2024

Date of Decision: 28.11.2024

Pushpa Rani and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rajeev Sharma (Raju), Advocate for the petitioners.

Ms. Rishu Madan, AAG, Punjab.

None for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 37 dated 03.08.2017 (Annexure P-1) registered under Sections 406, 498-A, 494 and 120-B IPC at Women Police Station Amritsar City and all the consequential proceedings arising therefrom, on the basis of compromise encapsulated in the terms of decree of divorce by way of mutual consent dated 03.12.2018 (Annexure P-2) passed by the learned Family Court, Amritsar.

On 24.07.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for partial quashing of FIR No.37 dated 03.8.2017 (Annexure P-1) under Sections 406, 498-A, 494 and 120-B IPC, registered at Police Station Women, Amritsar City and all the consequential proceedings arising therefrom on the basis of compromise between the parties recorded vide judgment dated 03.12.2018 (Annexure P-2) passed by learned Additional District Judge, Amritsar in a petition filed



under Section 13-B of Hindu Marriage Act.

Learned counsel for the petitioners, inter alia, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner No.1 is mother-in-law, petitioner No.2 is father-in-law and petitioner No.3 is brother-in-law of the complainant/respondent No.2. The son of petitioner No.1 was married to the complainant on 07.11.2012. Petitioner No.2 is step-father of the son of petitioner No.1. No Child was born out of the wedlock of son of petitioner No.1 and the complainant. Due to temperamental differences, the parties could not cohabit together and started residing separately since December 2016. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise and filed a petition under Section 13-B of Hindu Marriage Act, which, vide judgment dated 03.12.2018 (Annexure P-2) has been allowed by learned Additional Sessions Judge, Amritsar, in which terms and conditions of the compromise have been mentioned, according to which, both the parties have agreed not to proceed further with the FIR in question. Further, it is submitted that there are total four persons named in the FIR including the present three petitioners and the 4th accused-Ashutosh Saini is the husband of the complainant. Challan has also been filed against the four accused. Learned counsel for the petitioners submits that partial quashing of the FIR qua petitioners is being sought on the ground that petitioners are not aware of the whereabouts of accused No.4-Ashutosh Saini/husband of the complainant. It is further submitted that the petitioners have never been declared as proclaimed offenders.

*Learned counsel for the petitioners refers to **Jayrajsingh Digvijaysingh Rana vs. State of Gujarat and another 2012(4) RCR (Criminal) 589**, in which Hon'ble Supreme Court has held that the FIR can be quashed partially on the basis of compromise. In this regard, reliance has also been placed upon judgments of this Court in **CRM-M-11657-2023** titled as '**Rahul and others Vs. State of Punjab and another**', decided on 16.05.2023 and **CRM-M-12631-2016**, titled as '**Anil Kumar vs. State of Punjab and another**' decided on 11.05.2023.*

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of respondent No.1-State; whereas Ms. Swati Sharma, Advocate for Mr. Ankit Rana, Advocate, who is present in Court accepts notice on behalf of respondent No. 2 and submits Vakalatnama, which is taken on record.



Learned counsel for respondent No.1-State as well as learned counsel for respondent No.2 have not disputed the aforesaid submissions made by learned counsel for the petitioners and the factum of compromise effected between the parties.

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 compromise between the parties recorded vide judgment dated 03.12.2018(Annexure P-2) passed by learned Additional District Judge, Amritsar in a petition filed under Section 13-B of Hindu Marriage Act, on 07.8.2024 or any other date convenient to the learned trial Court/Illaq Magistrate, 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. 28.11.2024 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.”

Pursuant thereto, report from the learned Judicial Magistrate Ist Class, Amritsar, vide letter dated 10.10.2024, duly forwarded by the learned District and Sessions Judge, Amritsar, has been received, wherein it was reported that “...as parties have not appeared for suffering the statement as per the orders of the Hon’ble High Court. **Statements of the parties not recorded.** As such no effective report can be sent’.

Learned counsel for the petitioners submits that the complainant is not appearing before the learned before the learned trial



Court for recording her statement qua genuineness of compromise. It is also submitted that the entire settlement amount of Rs.80,000/- stands paid to the complainant. Learned counsel for the petitioners has relied upon a judgment of this Court in ***Deepak vs. State of Haryana and another, Law Finder Doc ID # 2568555***, to submit that where *‘the complainant/wife has reaped benefits of compromise/settlement and nothing more is required to be done by the accused-side/husband then such FIR (as also proceedings emanating therefrom) deserves to be quashed’*. In view of the above, learned State counsel has also stated that he has ‘no objection’ in case the FIR is quashed qua the petitioner.

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

In view of the above, this Court finds that the matter has been settled between the petitioners and respondent No. 2. Son of petitioner No. 1, namely, Ashutosh Saini and respondent No. 2 have already been granted decree of divorce by way of mutual consent vide judgment and decree dated 03.12.2018 (Annexure P-2) and the entire agreed amount of Rs.80,000/- has also been paid to the respondent No.2. Since the matter has been settled and the parties have decided to live in peace and keeping in view the facts noted in the order dated 24.07.2024 passed by this Court reproduced above, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

At this stage, reference may be made to the judgment of ***“Ruchi Agarwal Vs. Amit Kumar Agrawal” Law Finder Doc ID #***



78949; and Mohd. Shamim v Smt. Nahid Begum, Law Finder Doc Id # 81379, wherein it has been held that in criminal/civil litigation between the husband and wife, once the parties have entered into compromise and have sought divorce by mutual consent, if the wife does not withdraw FIR under Sections 498-A and 506 IPC then it is clear that the wife wants to harass the husband even after getting the relief and in such cases FIR ought to be quashed.

In **Ruchi Agarwal's case (supra)**, the wife filed SLP before the Hon'ble Supreme Court challenging the order of the Hon'ble Uttaranchal High Court whereby criminal complaint filed by the wife against the respondent husband was quashed. Facts were similar therein as the appellant-wife had resiled from compromise. In these circumstances, the Hon'ble Supreme Court quashed the FIR registered under Sections 498A, 323 and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act. Para 8 of said judgment reads as under:-

“8. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue. Therefore, we are of the considered opinion to do complete justice, we should while dismissing this appeal also quash proceedings arising from the Criminal Case No. Cr. No. 224/2003 registered in Police Station, Bilaspur, (Distt. Rampur) filed under sections 498A, 323 and 506 Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act against the respondents herein. It is ordered accordingly. The appeal is disposed of”.



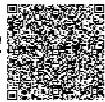
In *Mohd. Shamim's case (supra)* Hon'ble Supreme Court held as under: -

“A. Criminal Procedure Code, Section 320-Indian Penal Code, Section 406 and 498A - Compounding of offence - FIR under Sections 498A, 406 Indian Penal Code-Wife entering into settlement at intervention of court and accepting Rs. 2.25 lacs from husband - Wife backed out - FIR quashed - In view of conduct of wife, continuance of proceedings would be abuse of process of Court.

B. Criminal Procedure Code, Sections 320 and 482 - Indian Penal Code, Sections 498A and 406 - Compounding of offence-FIR under Sections 498A, 406 Indian Penal Code-Parties entering into settlement at the intervention of trial Judge- Wife accepted Rs. 2.25 lacs and another sum of 50,000 to be paid at the time of quashing the FIR- Petition for quashing of FIR-Wife backed out and stated agreement and affidavit were got signed by misrepresentation - FIR quashed - In view of conduct of wife continuance of Criminal proceedings would be an abuse of process of the Court. 2004(4) RCR (Criminal) 949 (SC) relied”.

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. 37 dated 03.08.2017 (Annexure P-1) registered under Sections 406, 498-A, 494 and 120-B IPC at Women Police Station Amritsar City and all the consequential proceedings arising therefrom, on the basis of compromise encapsulated in the terms of decree of divorce by way of mutual consent dated 03.12.2018 (Annexure P-2) passed by the learned Family Court, Amirtsar, are ordered to be quashed qua the petitioners only.

28.11.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No