

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 42031 of 2017 (O&M)
Date of decision : 6.8.2018

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Pardeep Singh @ Sunny

.....Petitioner

vs.

Ms.Asha Devi @ Asha Rani

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. K.S. Dadwal, Advocate for the petitioner

Mr. Bhriagu Agnihotri, Advocate for the respondent.

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H. S. Madaan, J.

Petitioner – Pardeep Singh @ Sunny has brought the instant petition under Section 482 Cr.P.C. for quashing of complaint No. COM-0001/2015 dated 24.12.2014 filed under Section 12 of the Protection of Women from Domestic Violence Act 2005 and all consequential proceedings arising therefrom.

Learned counsel appearing for the respondent-complainant states that the respondent has since withdrawn application for setting aside of ex parte decree. A copy of statement made by the respondent before the trial Court alongwith copy of order passed by the trial Court in that regard have been placed on record.

Counsel for the petitioner states that as settled between the parties, a demand draft in the sum of Rs.3.50 lacs in the name of respondent No.2 and a demand draft in the sum of Rs.1.50 lacs in the name of Anmol Thakur, minor son of the parties have been handed over to the respondent in the Court today. Photocopies of both the drafts have been placed on the record.

Respondent No.2 Asha Rani is present with counsel, she states that since all the terms and conditions of the settlement have been complied with, she has no objection if the petition is accepted.

The matter has since been amicably resolved between the spouses, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“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 Cr.P.C. 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*”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though

there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the complaint and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

As such the petition is accepted and the abovesaid complaint alongwith ancillary proceedings are hereby quashed.

6.8.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No