

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 24563 of 2020

Date of Decision: 05.11.2020

Sachin and Others

..... Petitioners

V/s.

State of Haryana and Another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGANPresent: Mr. Johan Kumar, Advocate
for the Petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Ashish Gupta, Advocate for respondent No.2.

Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

2. The present petition is for quashing of FIR No. 188 dated 14.05.2014 under Sections 406, 498A, Indian Penal Code, registered at police Station Kotwali, Faridabad and the judgment/ order of sentence dated 13.08.2018/14.08.2018 passed by Judicial Magistrate (Ist Class), Faridabad on the basis of compromise dated 15.11.2018.

3. The litigation has a colour of matrimonial dispute. The marriage has been dissolved by mutual consent on 08.10.2020 under section 13B of Hindu Marriage Act, 1955. The matter has been compromised. Vide order dated 26.08.2020, the parties were directed to appear before the Appellate Court to record the statements. The statements have been recorded and the report dated 06.10.2020 has been received.

4. In the FIR case, the petitioners in the present petition were convicted.

The conviction was challenged in Appeal and the same is pending. During the proceedings, the matter has been compromised.

5. Learned counsel for the petitioner relies upon the decision of the Division Bench of this Court in **Sube Singh and Another Vs. State of Haryana and Another, 2013(4) RCR (CrL) 102** to submit that the quashing can be even at the appellate stage.

6. Learned counsel appearing for the private respondents has no objection if the FIR and the conviction judgment and sentence orders are set aside.

7. Hon'ble the Supreme Court in the case of **Gian Singh vs. State of Punjab and another 2012 (4) RCR (CrL) 543**, has held as under:-

"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 what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre- dominantly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal

proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

8. In the present case, the matrimonial dispute has been resolved. The marriage stands dissolved. Better sense has prevailed on the parties and they have decided to bury the past and to proceed with their life and future.

9. No useful purpose would be served to make the parties to litigate in the proceedings arising out of the FIR. To make the end of justice and considering the sanctity of the compromise in view of the report received, the FIR No. No. 188 dated 14.05.2014 and the judgment/ order of sentence dated 13.08.2018/14.08.2018 passed by Judicial Magistrate (Ist Class), Faridabad, are hereby quashed.

10. Disposed of, accordingly.

November 05, 2020

Sonia Puri

**(AVNEESH JHINGAN)
JUDGE**

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes