

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-4308 of 2020 (O&M)

Date of decision: 16.11.2021

Shubhampreet Singh and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. B. S. Bajwa, Advocate for the petitioners.
Ms. Bhavna Gupta, DAG, Punjab.
Mr. Akbarjit Singh, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

Due to COVID-19 situation, the Court is convened through video conference.

CRM-38152 of 2021

This is an application for preponing the date of hearing in the main petition which is fixed for 23.2.2022.

Notice in the application to the non-applicants.

Ms. Bhavna Gupta, DAG, Punjab and Mr. Akbarjit Singh, Advocate appearing on advance notice accept the same on behalf of respondents No. 1 and 2 respectively.

For the reasons mentioned in the application, the same is allowed. The date of hearing in the main petition is preponed from 23.2.2022 to today itself.

With the consent of both the parties, the main petition is taken

on Board.

CRM-M-4308 of 2020

[1] This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 96 dated 26.8.2019, under Sections 406, 498-A and 323 IPC (Sections 354-B, 377 and 325 IPC added later on), registered at Police Station Division No. 1, Jalandhar and all subsequent proceedings arising therefrom on the basis of compromise dated 22.1.2020.

[2] The FIR was registered on the statement of Munisha. As per the contents of the FIR, the complainant's marriage was solemnised with Shubhampreet Singh (petitioner No. 1). There are allegations that after marriage, in-laws of the complainant started demanding dowry. There were allegations against Neeraj Kumari and Satnam Singh.

[3] During the pendency of the proceedings, the parties were referred for mediation. The matter was settled in Mediation Centre and the settlement is dated 22.1.2020 which is annexed with the petition as Annexure P-4.

[4] Learned counsel for the parties are *ad idem* that marriage has been dissolved.

[5] Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“There is no statutory bar in Cr.P.C. which affects inherent power of this Court under Section 482. The power of quashing is not limited to matrimonial cases alone.”

[6] The Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, 2017 AIR (SC) 4843*** laid down the broad principles governing the exercises of

powers of quashing of FIR. It was held that the power under Section 482 Cr.P.C. is to be exercised by the High Court to secure the ends of justice, to prevent abuse of any process of law and in cases where in view of the compromise the possibility of conviction is remote and continuation of proceeding will cause oppression and prejudice.

[7] The issue has been sorted out with the intervention of the elders. Couple has decided to part away and proceed ahead with their individual lives rather than indulging in litigation. Pendency of the trial will only create complications. To meet the ends of justice and considering that there are bleak chances of conviction, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

[8] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

16th November, 2021
mk

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No