

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

213-1

CRM-M-14344-2021

Date of decision:02.12.2021

Baljit Singh and others

... Petitioners

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Amit Dhawan, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Arun Jindal, Advocate for respondents No.2 and 3.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

The instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.90 dated 24.12.2020 under Sections 406 and 498-A IPC, 1860, registered at Police Station Women, District Police Commissionerate Jalandhar, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 22.02.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the in-laws of complainant-respondent No.3. He submits that the marriage between petitioner No.1 and respondent No.3 was solemnized on 18.01.2013 as per *Sikh* rites and ceremonies. However, due to marital dispute between the parties, spate of litigation ensued between them. He submits that all the differences have

been settled and a compromise dated 22.02.2021, Annexure P-2, has been arrived at between the parties, whereunder they have agreed to withdraw the pending litigation as well as seek divorce. He submits that as per the terms of the compromise, no payment has to be made by either of the parties. Still further, he submits that the marriage between the parties has been dissolved vide judgment and decree dated 11.11.2021.

Upon instructions from SI Varinder Singh, State counsel submits that after completion of investigation, challan has been presented against all the three accused-petitioners on 02.04.2021, however, the charge is yet to be framed. Counsel representing respondents No.2 and 3 has admitted the factum of compromise as well as the statement made by counsel for the petitioners. He further submits that pursuant to the order passed by this Court on 31.03.2021, the parties have appeared before the trial court and their statements have been recorded in support of the compromise.

Heard counsel for the parties.

Vide order dated 31.03.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate and get their statements recorded regarding the genuineness of the compromise and a report was called for from the trial Court, which has been received, and the relevant extract thereof is reproduced hereunder:-

“Q. Whether the statements are being made by the parties voluntarily and without any pressure? Intimate about the veracity of the compromise?”

A. Yes, the compromise is genuine and is entered by the parties with their free will and without undue influence, or coercion. Their statements in this regard are recorded separately, which are duly signed by the parties. Copy of compromise deed is attached in this regard, which depicts the veracity of the same.

Q. Names and Number of the accused?

A. As per the FIR, there are three accused namely, Baljit Singh (brother in law), Narinder Singh (father in law) and Inderjit Kaur (mother in law), all residents of H.No.15, Raja Garden Extension, Leather Complex Road, Jalandhar.

Q. Whether any of the accused are declared PO in this case?

A. As per record, no accused has been declared P.O. in this case.”

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. A Full Bench of this Court in case ***Kulwinder Singh vs. State of Punjab and another***, 2007(3) RCR (Criminal) 1052 and Division Bench of this Court in case ***Sube Singh and another vs. State of Haryana and another***, 2013(4) RCR (Criminal) 102 has held that compounding of offence can be allowed even after conviction, during pendency of the appeal and even in cases involving non-compoundable offences.

In **Ramgopal and another Versus The State of Madhya Pradesh** 2021 SCC Online 834, Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court under Section 482 Cr.P.C.

The FIR was registered because of a marital discord, which has been amicably resolved and the disputing parties are now divorced. Considering the above circumstances, this Court is of the opinion that the FIR deserves to be quashed.

Counsel for the parties are also ad idem that in view of the settlement between the parties, the present petition deserves to be accepted. Therefore, no purpose will be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.90 dated 24.12.2020 under Sections 406 and 498-A IPC, 1860, registered at Police Station Women, District Police Commissionerate Jalandhar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

02.12.2021
sheetal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No