

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

213-2

CRM-M-14372-2021

Date of decision:02.12.2021

Salinder Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Arun Jindal, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Amit Dhawan, Advocate for respondent No.2.

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.15 dated 10.07.2019 under Sections 406, 420 and 120-B IPC, 1860, registered at Police Station NRI, 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 petitioner submits that petitioners No.1 and 2 are the in-laws and petitioner No.3 is the wife of the complainant-respondent No.2. He submits that the marriage between petitioner No.3 and respondent No.2 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 by virtue of judgment and decree dated 11.11.2021, a copy of which is taken on record as Mark 'A'.

Upon instructions from SI Gurpreet Singh, State counsel submits that after investigation, challan has been presented on 10.07.2020 against petitioners No.1 and 2. Counsel representing the complainant/respondent No.2 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 28.04.2021, 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 28.04.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate and get their statements and a report was called for from the trial Court regarding the number of accused, authenticity of the compromise and as to whether any other person is involved whose consent is required. Report has been received in compliance of the said order and the relevant extract thereof is reproduced hereunder:-

“(a) That there are three accused namely Salinder Singh, Ranjit Kaur and Mandeep Kaur involved in the present FIR. Out of the said three accused, who are also the petitioners before the Hon'ble High Court, only two accused namely Salinder Singh and Ranjit

Kaur have appeared in person before the Trial Court to record their statement. The accused Salinder Singh has also suffered a statement claiming himself to be the power of attorney of accused Mandeep Kaur. He has placed on record copy of the said power of attorney dated 06.11.2019 as ExC2.

(b) It is submitted that as per the statement of the parties, the compromise is genuine, voluntary and out of free will of the parties. The same is authentic and without any kind of undue influence or pressure. The parties have placed on record the compromise as ExC1.

(c) It is submitted that as per the statement of the parties, statement of the Investigating Officer and as per the facts of the case, there is no other person involved in the occurrence who is not a party to the present petition and whose consent for the compromise would be required.”

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.15 dated 10.07.2019 under Sections 406, 420 and 120-B IPC, 1860, registered at Police Station NRI, Police Commissionerate, Jalandhar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

02.12.2021
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(SUVIR SEHGAL)
JUDGE

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