

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH**

CRM No.33401 of 2021 in/and  
CRM-M-42157 of 2018(O&M)  
Date of Decision: October 13, 2021

Vikas and others

...Petitioners

Versus

State of Haryana and another

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Ms. Sharmila Sharma, Advocate  
for the petitioners.

Ms. Mahima Yashpal, DAG Haryana.

Mr. M.S. Chahal, Advocate  
for complainant/respondent No.2.

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**JAISHREE THAKUR, J. (Oral)**

**CRM-33401-2021**

1. This is an application that has been filed seeking to prepone hearing in the main case, which is now listed for 07.02.2022.
2. For the reasons mentioned in the application, the same is allowed. Hearing in the main case is preponed and the same is taken up today.

**CRM-M-42157-2018**

1. The instant petition has been filed under Section 482 Cr.P.C., for quashing the FIR No.10 dated 09.01.2014, registered under Sections 498-A, 323, 354, 307, 120-B, 34 of Indian Penal Code at Police Station Kundli, District Sonipat along with judgment and sentence dated 10.10.2016/12.10.2016 passed by the Additional Sessions Judge, Sonipat whereby the petitioners herein were convicted and sentenced, on the basis of compromise arrived at between the parties.

2. In brief, the facts of the case are that petitioner No.1-Vikas and complainant/respondent No.2-Sweety solemnized a marriage on 25.01.2011, however, said marriage could not survive the test of time, which resulted in registration of aforesaid FIR by the complainant, on the allegations of demand of dowry, maltreatment, physical abuse etc. The said FIR was registered against petitioner No.1-husband along with his other family members and after conclusion of trial, petitioner No.1-Vikas and petitioner No.4-Reetu were convicted and sentenced under Sections 498-A/323/307/34 of IPC to undergo imprisonment for a period of five years and the remaining accused Jagbir Singh (since deceased), petitioner No.2 Urmila and petitioner No.3-Reena were convicted and sentenced under Sections 498-A/323 of IPC to undergo imprisonment for three years. Feeling aggrieved, the petitioners herein filed an appeal bearing CRA-S No.3916-SB-2016, which is pending for adjudication.

3. During the pendency of the aforesaid appeal before this court, the matter stood compromised between the parties. Pursuant to the compromise arrived at between the parties, the parties to the marriage have

already obtained divorce by way of mutual consent under Section 13-B of Hindu Marriage Act. The complainant-wife also withdrawn the suit filed by her for recovery of dowry articles and she also withdrawn the complaint filed under Section 12 of Domestic Violence Act, 2005.

4. Learned counsel for the petitioners herein would argue that as the matter has been compromised and all matrimonial disputes have been amicably settled, the instant petition be allowed and the impugned judgment of conviction/sentence passed by the Additional Sessions Judge, Sonipat be set aside along with the FIR. It is submitted that statement of complainant-respondent No.2 already stood recorded before the court below that she would have no objection, if the judgment of conviction passed by the Additional Sessions Judge, Sonipat is set aside and the petitioners are acquitted. In support of her arguments, learned counsel relies upon latest judgment rendered by the Apex Court in **Ramgopal and another vs. State of Madhya Pradesh, 2021 SCC Online SC 834**, to contend these criminal proceedings being purely personal and private nature, can be set aside by this Court even if there is a conviction of the petitioners under Section 498-A, 307 of IPC. He further relies upon judgment rendered by Division Bench of this Court in **Sube Singh and another vs. State of Haryana and another, CRM-M-38140 of 2011, decided on 09.04.2013** and judgment rendered by the Apex Court in **Narinder Singh and others vs. State of Punjab** and another, Criminal Appeal No.686 of 2014, decided on 27.03.2014.

5. On the other hand, counsel appearing on behalf of complainant-respondent No.2 endorses the submissions made by learned counsel for the

petitioners, by contending that pursuant to the compromise arrived at between the parties, now nothing is due between them. He submits that the complainant would have no objection, in case, the instant petition is allowed and the FIR in question along with conviction and sentence of the petitioners is set aside.

6. Per contra, learned counsel for the respondent-State opposes the prayer made by learned counsel for the petitioner in general.

7. I have heard learned counsel for the parties and have gone through the pleadings of the case.

8. The only question before this Court is whether this court can quash the instant FIR along with conviction of the petitioners herein under Section 498-A and 307 of Indian Penal Code while exercising inherent power provided under Section 482 Cr.P.C. Section 482 Cr.P.C., which deals with inherent power of the High Court reads as under;-

*“482. Saving of inherent powers of High Court. Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.”*

9. It is clear that offences which are non-compoundable under Section 320 Cr.P.C. cannot be compounded by a criminal court. However, Section 320 Cr.P.C. is not an embargo against invoking inherent powers vested in the High Court under Section 482 Cr.P.C. The High Court, keeping in view the peculiar facts and circumstances of a case and for

justifiable reasons can exercise its inherent powers under Section 482 Cr.P.C. to prevent abuse of the process of any court, or to secure the end of justice. Thus, the High Court can quash such proceedings in exercise of its inherent powers under Section 482 Cr.P.C., even if the offences are non-compoundable. In so far as power of quashing under Section 482 Cr.P.C. is concerned, it is guided by the material on record as to whether the ends of justice would justify such exercise of power, even though the ultimate consequence may be acquittal of the accused. The Division Bench of this Court in **Sube Singh and another vs. State of Haryana and another (supra)** has observed that non-acceptance of the compromise would also lead to denial of complete justice, which is the very essence of our justice delivery system. Since, there is no statutory embargo against invoking of power under Section 482 Cr.P.C., after conviction of an accused by the trial court and during the pendency of appeal against such conviction, the High Court could invoke the inherent jurisdiction and strike down the proceedings subject to certain safeguards.

10. In its latest judgment rendered in **Ramgopal and another vs. State of Madhya Pradesh (supra)** the Apex Court has held as under:-

*“19. We thus sum-up and hold that as opposed to Section 320 Cr.P.C. where the Court is squarely guided by the compromise between the parties in respect of offences ‘compoundable’ within the statutory framework, the extraordinary power enjoined upon a High Court under Section 482 Cr.P.C. or vested in this Court under Article 142 of the Constitution, can be invoked beyond the metes and bounds of Section 320 Cr.P.C. Nonetheless, we reiterate that such powers of wide amplitude ought to be exercised*

*carefully in the context of quashing criminal proceedings, bearing in mind: (i) Nature and effect of the offence on the conscious of the society; (ii) Seriousness of the injury, if any; (iii) Voluntary nature of compromise between the accused and the victim; & (iv) Conduct of the accused persons, prior to and after the occurrence of the purported offence and/or other relevant considerations.”*

11. In the present case, marriage between petitioner No.1 and complainant/respondent No.2 was solemnized on 25.01.2011, however, on account of torture and harassment being caused to the complainant on account of demand of dowry, the instant FIR came to be registered, which resulted in conviction of the petitioners herein, against which an appeal is pending adjudication before this court. During the pendency of the aforesaid appeal (CRA-S-3916-SB-2016) before this court, the matter stood compromised between the parties. Pursuant to the compromise (Annexure P-2), petitioner No.1-husband and complainant have obtained decree of divorce by way of mutual consent on 27.02.2019 under Section 13-B of Hindu Marriage Act (Annexure P-12). The complainant-wife also withdrawn the suit filed by her for recovery of dowry articles on 25.09.2018 (Annexure P-13) and also withdrawn the complaint filed under Section 12 of Domestic Violence Act, 2005 on 12.09.2008 (Annexure P-14). Statements of both the parties recorded before the trial court/Illaq Magistrate regarding genuineness of the compromise are available on record. Being a matrimonial dispute, it is purely personal and private in nature, and both the parties have buried their differences without any

coercion or compulsion, in other words, willingly and voluntarily.

12. In view of the above ratio of law settled by the Apex Court, as discussed above, this court is of the considered opinion that this is a fit case to exercise inherent powers vested in this Court under Section 482 Cr.P.C. and to quash the FIR and subsequent conviction of the petitioners. Consequently, the FIR No.10 dated 09.01.2014, registered under Sections 498-A, 323, 354, 307, 120-B, 34 of Indian Penal Code at Police Station Kundli, District Sonipat along with judgment of conviction and sentence dated 10.10.2016/12.10.2016 passed by the Additional Sessions Judge, Sonipat is hereby set aside along with all consequential proceedings. Resultantly, the instant petition stands allowed.

13. Needless to say, pending application(s), if any, stands disposed of accordingly.

**October 13, 2021**  
*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No