

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

214

CRM-M-26600-2021
Date of decision:02.12.2021

Jumma Khan

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Mikhail Kad, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Vishal Satija, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

Instant petition has been filed under Section 482 of Cr.P.C. for quashing of FIR No.33 dated 05.03.2021 under Sections 354 and 506 IPC, 1860, registered at Police Station Bareta, District Mansa, Annexure P-1, alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 26.05.2021, Annexure P-2, arrived at between the parties.

Counsel for the petitioner submits that the petitioner is the father-in-law of the complainant/respondent No.2, and her *Nikah* was solemnized with the son of the petitioner, namely, Salim Khan, on 15.02.2019. Counsel submits that though the FIR has been lodged by the

complainant on the allegation that the petitioner had outraged her modesty, but the allegations levelled therein are out and out false as respondent No.2 had a marital dispute with his son, which has been settled by virtue of compromise dated 26.05.2021, Annexure P-2, and is duly supported by an affidavit, Annexure P-3, of complainant/respondent No.2. He submits that the parties have divorced each other and as per the terms of the settlement, a sum of Rs.14 lacs has been paid to the complainant/respondent No.2. Still further, he submits that by virtue of judgment and decree dated 23.11.2021, a suit filed by the son of the petitioner has been decreed to the effect that respondent No.2 is his divorced wife and she has no concern with his life and property of his son in terms of the agreement, Annexure P-2. He has filed judgment and decree dated 23.11.2021 passed by the Principal Judge, Family Court, Malerkotla, which is taken on record as Mark 'A'. Still further, he submits that in pursuance to the order passed by this Court, the statement of the parties have been recorded in support of the compromise.

As per instructions received by State counsel from ASI Jaskaran Singh, investigation is complete and challan has been presented on 05.07.2021, though the charge is yet to be framed. Counsel representing the complainant/respondent No.2 has admitted the factum of compromise as well as admitted the statement of the counsel for the petitioner.

Heard counsel for the parties.

Vide order dated 10.07.2021, 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 as to whether P.O. proceedings are pending against any of the parties. Report has been received in compliance of the said order and the relevant extract thereof is reproduced hereunder:-

“From the aforesaid statements of the effected parties, it apparently appears that the parties have voluntarily entered into the compromise between themselves and have settled the matter amicably. Compromise is genuine, without any kind of undue influence or pressure and out of free will of the parties. As per statements of the parties and statement of I.O., only one accused namely Jumma Khan was arrayed as accused in the FIR and except him, there is no other accused in the present FIR. As per statements of the parties and statement of I.O., accused has not been declared proclaimed offender in the present case or in any other 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, Hon'ble 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 vested in it under Section 482 Cr.P.C.

Considering the fact that the FIR is an outcome of a marital discord between the parties, which has been amicably settled and the marriage between the parties has been dissolved, this Court is of the opinion that the quashing of the FIR would enable the parties to lead a peaceful life.

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.33 dated 05.03.2021 under Sections 354 and 506 IPC, 1860, registered at Police Station Bareta, District Mansa, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioner.

02.12.2021
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(SUVIR SEHGAL)
JUDGE

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