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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

****

CRM-M-27663-2021
DECIDED ON: 26th AUGUST, 2021

VISHAVJOT SHARMA AND ANOTHER

PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S.K. Bawa, Advocate for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

Mr. M.K.Bhatnagar, Advocate for respondents No.2 & 3.

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AVNEESH JHINGAN, J (Oral):

[1] The matter is taken up for hearing through video conference due to COVID-19 situation.

[2] This petition under Section 482 Cr.P.C is filed for quashing of FIR No. 2, dated 29th January, 2021, under Sections 420 and 120-B IPC registered at Police Station NRI, District Sangrur and all other subsequent proceedings arising therefrom on the basis of compromise.

[3] The FIR was a result of a matrimonial dispute. During the pendency of the dispute the parties have compromised the matter, decided to part their ways and move ahead in their respective lives.

[4] Following order was passed by this Court on 20th July, 2021:-

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> *" The matter is taken up for hearing through video conference due to COVID-19 situation.*
>
> *This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 2, dated 29.1.2021, under Sections 420 and 120-B IPC registered at Police Station NRI, District Sangrur and all other subsequent proceedings arising therefrom on the basis of compromise dated 5th July, 2021*
>
> *Notice of motion.*
>
> *Ms. Monika Jalota, DAG, Punjab and Mr. M.K. Bhatnagar, Advocate accept notice on behalf of respondents No.1 and 2 & 3 respectively.*
>
> *The parties are directed to appear before the Illaqa Magistrate/trial court for recording their statements with regard to the compromise on 10.8.2021.*
>
> *The trial court is directed to submit a report on or before the next date of hearing containing the following information:*
>
> *(i) Number of persons arrayed as accused in the FIR.*
>
> *(ii) Whether any accused is proclaimed offender and*
>
> *(iii) Whether the compromise is genuine, voluntary and without any coercion or undue influence.*
>
> *List on 26.8.2021."*

[5] The report dated 12th August, 2021 is received stating that the compromise is voluntarily and without any pressure, undue influence or coercion. It is also stated in the report that there are two accused and none of them has been declared proclaimed offender.

[6] The Supreme Court in ***Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another, 2013 (2) SCC (Cri) 302*** held:-

> *"10. As stated earlier, it is not in dispute that after filing of a complaint in respect of the offences punishable under Sections 498A and 406 of IPC, the parties, in the instant case,*

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arrived at a mutual settlement and the complainant also has sworn an affidavit supporting the stand of the appellants. That was the position before the trial Court as well as before the High Court in a petition filed under Section 482 of the Code. A perusal of the impugned order of the High Court shows that because the mutual settlement arrived at between the parties relate to non-compoundable offence, the court proceeded on a wrong premise that it cannot be compounded and dismissed the petition filed under Section 482. A perusal of the petition before the High Court shows that the application filed by the appellants was not for compounding of non-compoundable offences but for the purpose of quashing the criminal proceedings.

11. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In B.S. Joshi (supra), this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.

12. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings."

[7] The litigation was a result of matrimonial dispute. There is a

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petition under Section 13-B of the Hindu Marriage Act, 1955, which is at a second motion stage. No useful purpose would be served by forcing them into a grinding stone of trial, it would not only affect their future but would create future complications in their lives.

[8] To meet the ends of justice, the FIR mentioned above and any consequential proceedings are quashed.

[9] The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

26th AUGUST, 2021
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1. Whether speaking/ reasoned : Yes / No
2. Whether reportable : Yes / No

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