

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(225)

CRM-M-39527-2021
Date of decision: 22.11.2021

Narcissus Rasim and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anadeshwar Gautam, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Inderjit Sharma, Advocate for respondents No.2 and 3.

...
SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of FIR No.04 dated 06.01.2020 under Sections 406, 498-A and 120-B of the Indian Penal Code, 1860, registered at Police Station City Gurdaspur, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of compromise, Annexure P-2.

Counsel for the petitioners submits that the petitioner No.1 was married to respondent No.3, who is the daughter of complainant-respondent No.2, in the year 2016. According to the counsel, FIR, Annexure P-1, is a result of some misunderstanding between the parties, which has been resolved by virtue of a compromise, Annexure P-2, and the couple is residing together along with their son at their matrimonial home.

He submits that petitioners No.2 and 3 are the in-laws of respondent No.3 and pursuant to order passed by this Court on 22.09.2021, the statement of the parties have been recorded in support of the compromise.

Counsel representing respondents No.2 and 3 has verified the statement made by the counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 22.09.2021, this Court directed the trial Court/Illaq Magistrate to submit a report after recording the statement of the parties regarding the genuineness of the compromise as well as as to whether PO proceedings are pending against any of the parties.

Report of the trial Court has been received, wherein it has been submitted that the compromise appears to be voluntary and without any coercion or undue influence and no PO proceedings are pending against any of the parties.

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, 1973 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.

Keeping in view of the fact that the FIR is a result of marital dispute, which has been resolved and the couple is residing together with their child under one roof, this Court is of the view that no purpose would be served in continuing with the criminal proceedings.

Consequently, the petition is allowed. FIR No.04 dated 06.01.2020 under Sections 406, 498-A and 120-B of the Indian Penal Code, 1860, registered at Police Station City Gurdaspur, District Gurdaspur, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)
JUDGE

22.11.2021
Kamal

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