

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

116

**CRM-M-35858-2020
Date of decision: 26.02.2021**

Satpal

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. A.G., Punjab
for respondent No.1-State.

Mr. Neeraj Janoha, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

Petitioner-**Satpal** has filed the present petition under Section 482 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for quashing of FIR No.42 dated 11.08.2017 registered under Sections 498-A and 406 of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Women, Amritsar District Police Commissionerate, Amritsar (**Annexure P-1**) with all consequential proceedings arising therefrom in view of the compromise dated 13.10.2020 (**Annexure P-2**) effected with respondent No.2-**Kamlesh**.

Complaint was made to the Commissioner of Police, Amritsar by respondent No.2, whose marriage was solemnized with Satpal (the petitioner) on 26.04.2016 as per Hindu rites and ceremonies

at Amritsar, for registration of FIR against him for having committed offences of treating her with cruelty by making of dowry demands and criminal breach of trust by misappropriation of her dowry articles as mentioned therein.

The petitioner has filed the present petition for quashing of the FIR on the grounds that now the matter has been amicably compromised between the parties and they have decided to part their ways.

Vide order dated 14.11.2020, this Court directed the private parties to appear before the trial Court/Illaq Magistrate on 12.11.2020 or any other date convenient to the Court for recording their statements with regard to compromise/settlement and directed the trial Court/Illaq Magistrate to submit a report before the next date of hearing i.e. on 03.12.2020 regarding the genuineness and voluntary nature of the compromise.

In compliance of the above said order, learned Judicial Magistrate 1st Class, Amritsar has recorded the statements of both the parties and submitted report dated 02.12.2020. The relevant part of the same reads as under:-

"3. I have the honour to submit that I have gone through the statements given by the complainant and posed various questions to know whether any compromise has been effected between the parties. I am satisfied that compromise has been effected between the parties and is without any pressure or coercion of anyone. The sole purpose of the parties for effecting compromise between them is their desire to live in peace and harmony. As directed by your good-self the report is as under:-

1) Number of accused is one in this FIR.

2) No accused is declared PO.

3) The compromise is genuine and without any pressure or undue influence of the parties.

4) No accused person is involved in any other case.

5) Consideration on application u/s 319 Cr.P.C."

Respondent No.1-State has not filed any reply to the petition.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No.2 and gone through the relevant record.

It is now well settled that the High Court has inherent power to quash the criminal proceedings in non-compoundable cases on the basis of settlement between the parties for securing the ends of justice or to prevent abuse of the process where the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case. Criminal cases having overwhelmingly and predominantly civil character particularly those arising out of commercial transaction or arising out of matrimonial relationship or family dispute can be quashed when the parties have resolved their entire dispute among themselves. However, such power cannot be exercised in those prosecutions which involve heinous and serious offences of mental depravity or offences like murder, rape dacoity, etc. which are not private in nature and have a serious impact on society. Similarly, prosecution for offences alleged to have been committed under special enactments like the Prevention of Corruption Act or the offences committed by public servant while working in that capacity cannot be quashed on the basis of compromise between the victim and the offender. For judicial precedents in this regard, reference may be made

to *Kulwinder Singh and others Vs. State of Punjab and others (Punjab and Haryana High Court) : 2007 (3) RCR (Criminal) 1052, Narinder Singh Vs. State of Punjab (Supreme Court) : 2014 (2) RCR (Criminal) 482 and State of Madhya Pradesh Vs. Laxmi Narayan and others (Supreme Court) : 2019 (2) RCR (Criminal) 255.*

A perusal of the report of learned Judicial Magistrate 1st Class, Amritsar reveals that the matter has been compromised by the parties with their free consent, voluntarily and without any coercion or undue influence.

Learned State Counsel has no objection in case the aforesaid FIR with all subsequent proceedings arising therefrom is quashed on the basis of compromise effected between the parties in this case.

The offences involved in the present case arising out of matrimonial dispute are overwhelmingly and predominantly of private character and do not have any social impact. The parties have resolved their dispute and decided to part their ways. The compromise has been arrived at between the parties at the initial stage. The compromise will also contribute to peace and harmony in the society. In the facts and circumstances of the case, the possibility of conviction of the petitioner is remote and bleak. Continuation of this case will put the petitioner to great oppression and extreme injustice would be caused to the petitioner if the FIR and all consequential proceedings are not quashed.

In view of the above, the petition is allowed and FIR No.42 dated 11.08.2017 registered under Sections 498-A and 406 of the IPC at

Police Station Women, Amritsar District Police Commissionerate,
Amritsar (**Annexure P-1**) is quashed with all consequential proceedings
arising therefrom.

26.02.2021

(ARUN KUMAR TYAGI)
JUDGE

Vinay

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No