

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

224

CRM-M-33726-2019 (O & M)

Date of decision:20.12.2021

Jaspreet Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Karan Vir Nanda, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Naveen Batra, Advocate for respondent No.2.

SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

CRM-30373-2020

Prayer in the application is for preponement of hearing of the
main case.

As the main case is being taken up for hearing today itself, the
application has become infructuous and is dismissed as such.

CRM-31329-2019

For the reasons given in the application, it is allowed.

Order dated 23.09.2019 passed by the Supreme Court in SLP(C)
No.22150 of 2019 is taken on record as Annexure P-1. (re-numbered as
Annexure P-3).

Main Case

Instant petition is for quashing of FIR No.8 dated 04.02.2015
under Sections 406, 498-A, 377, 511, 506 of Indian Penal Code,
registered at Police Station Singh Bhagwant, District Roopnagar,

Annexure P-1, in the backdrop of judgment dated 17.07.2019 passed by this Court, Annexure P-2, along with all consequential proceedings arising therefrom.

Counsel for the petitioners submits that petitioner No.1 was the husband and petitioners No.2 and 3 were the former in-laws of complainant/respondent No.2 and the FIR, Annexure P-1, was registered by the complainant on account of a marital discord between the parties. He submits that during the pendency of an appeal arising out of a divorce litigation, a settlement was arrived at between the parties, whereunder petitioner No.1 paid a sum of Rs.10 lacs as permanent alimony to the complainant/respondent No.2 in full and final settlement of all her claims, subject to the condition that she will withdraw all the pending cases. Counsel for the petitioners further submits that after the divorce between the parties, both of them have re-settled in life. He has invited the attention of this Court to affidavit dated 09.03.2021 filed by complainant/respondent No.2, wherein she has deposed as under:-

“2. That there was matrimonial dispute between petitioner and respondent No.2, which culminated into various litigations and during the course, a divorce petition filed by petitioner was allowed by the family court and the appeal against that order was dismissed by this Hon'ble Court vide order dated 17.07.2019 and as per the order passed by this Hon'ble Court (P-2), petitioner was directed to pay Rupees 10 Lacs to respondent no.2-deponent. Since, deponent availed her legal rights by way of filing SLP before the Hon'ble Apex Court, but in the meantime, petitioner filed one contempt petition and also filed the present petition for quashing of the FIR.

3. That during the course of hearing, this Hon'ble Court directed the petitioner to hand over a draft of Rs.10 Lacs in the name of respondent no. 2-deponent and as per the order passed by this Hon'ble Court, the draft has been received by the counsel and deponent has no objection if the petition is allowed and FIR may be quashed and petitioner

on the other hand, withdraw all the litigations either civil or criminal initiated against the deponent including the contempt petition filed before this Hon'ble court."

He submits that in the light of the affidavit of complainant/respondent No.2, this Court vide order dated 31.03.2021 directed the parties to appear before the trial court and get their statements recorded and a report was called for, from the trial court on following counts:-

- "1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused."*

Counsel submits that the statements of the parties have been recorded, who have supported the compromise.

Upon instructions from ASI Mohinder Pal, State counsel submits that the matter is under investigation and challan is yet to be presented.

Counsel representing respondent No.2 has admitted the factum of compromise as well as the statement made by counsel for the petitioners.

Counsel for the parties have been heard.

Pursuant to order dated 31.03.2021 passed by this Court, a report has been received from the trial court, the relevant extract of which is as under:-

"1. 03 (Three) accused namely Jaspreet Singh, Amarjeet Singh and Santosh Kaur are arraigned in FIR. All the three accused persons appeared before the Court and have made statements. As per the

statement of Investigating Officer, retired Inspector Harbans Singh, none of the accused was absconding/declared P.O. in the case.

2. The name of the complainant and injured/aggrieved is Rajinder Kaur. The complainant appeared before the Court and made her statement in support of the compromise.

3. Stage of trial/proceedings- The case is at the stage of prosecution evidence. But presently it is pending for consideration on the application for recalling the bailable warrants for the production of Rajinder Kaur and arrest warrants of Harjit Kaur and also recalling the summons issued against Baldev Singh filed by the complainant.

4. From the statements of the complainant as well as the accused persons, the compromise appears to be genuine. It appears to the Court that the compromise has been arrived at voluntarily between the parties out of their free will.

5. As per the statement suffered by Additional SHO SI Subash Chander No.94/RR, PS Singh Bhagwantpur, apart from the present case FIR No. 08 dated 04.02.2015 under (Sections) 406, 498-A, 377, 511 and 506 IPC, no other criminal case is pending against the accused persons.”

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, 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 who have re-settled, 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.8 dated 04.02.2015 under Sections 406, 498-A, 377, 511, 506 of Indian Penal Code, registered at Police Station Singh Bhagwant, District Roopnagar, Annexure P-1, and all the consequent proceedings arising therefrom, are quashed qua the petitioners.

20.12.2021*sheetal***(SUVIR SEHGAL)****JUDGE**

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