

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.53688 of 2019  
Date of Decision : 22.07.2021

Jaspal Kaur ....Petitioner

**Versus**

State of Punjab and another ....Respondents

**Coram : Hon'ble Mr. Justice B.S. Walia**

Present: Mr.Ayush Gupta, Advocate for  
for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Saurabh Arora, Advocate for respondent No.2/  
Complainant.

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**B.S. Walia, J.**

1. Prayer in the petition under Section 482 Cr.P.C. is for quashing of FIR No. 0262 dated 11.12.2018, registered under Sections 420/ 465 / 467 / 468 / 471 IPC, at Police Station Dugri, District Police Commissionerate Ludhiana, along with all consequential proceedings emanating therefrom, on the basis of settlement, Annexure P/2, dated 04.12.2019.

2. Learned Counsel contends that the aforementioned FIR was lodged by complainant-respondent No.2 against his wife i.e.the petitioner. Hon'ble the High Court vide orders in CRM-M-13781 of 2019 and CRM-M-62111 of 2018 while taking note of the fact that the petitioner and respondent No. 2 were husband and wife, had got married on 27.08.2000, had two daughters Japneet Kaur and Roop Kanwal Kaur, were residing

separately since 01.06.2018, referred the matter to the Mediation and Conciliation Centre of this Court wherein the parties compromised the matter vide settlement Annexure P/2 dated 04.12.2019 as per which it was decided that the parties would live separately, take divorce under Section 13-B, Hindu Marriage Act, 1955 as also that in terms of paragraph No. 6(g) of the compromise, both the parties had amicably settled the dispute and decided to get the FIRs quashed by filing a quashing petition before the High Court on or before 15.12.2019 as also that they would withdraw the respective cases filed against each other etc. Settlement, Annexure P/2 dated 04.12.2019 is taken on record and shall be read to be a part of this order.

3. Vide order dated 12.06.2019, parties were directed to record their statements before the learned Illaqa Magistrate / trial Court on 28.01.2020 besides the petitioner was directed to file an affidavit before the learned Illaqa Magistrate/ trial Court that there was no other criminal case pending against her and also give details of any other FIR(s) if any which had already been quashed on the basis of the compromise.

4. That pursuant to recording of statements of the parties, report has been submitted by the learned Judicial Magistrate, 1<sup>st</sup> Class, Ludhiana that the parties had arrived at a voluntary compromise out of their own free will and without any pressure, coercion or undue influence, that respondent No. 2 / complainant had also mentioned in his statement that he had no objection if the FIR in question was quashed by Hon'ble the High Court. Likewise petitioner had also mentioned in her statement that no proclamation proceedings were pending against any accused and that she had not been declare proclaimed offender in any case till date. ASI

was registered against accused Jaspal Kaur whereafter four other persons namely, Deepak Garg, Jaspreet Singh, Sheetu Bansal and Renu Bala were nominated as accused, that no other case was pending against any party and none of the persons involved in the case had been declared as proclaimed offenders nor the petitioner or complainant were previous convicts.

5. In the light of the statements of the parties, the learned Judicial Magistrate, 1<sup>st</sup> Class Ludhiana, forwarded a report that he was satisfied that the petitioner and complainant i.e. respondent No.2 had arrived at a compromise without any coercion, undue influence or pressure and the compromise, as arrived between them, was genuine and voluntary and there was nothing on the record to doubt the genuineness of the compromise arrived at between the parties.

6. Learned Counsel for the respondents have also supported the prayer for quashing of the aforementioned FIR and all consequential proceedings emanating therefrom in view of compromise(Annexure P/2) dated 04.12.2019, statements before the learned Judicial Magistrate 1<sup>st</sup> Class Ludhiana fulfillment of the conditions stipulated therein as well as the decision of Hon'ble the Supreme Court in **Gian Singh vs State of Punjab and another-2012(4) RCR (Criminal) 543**, Hon'ble the Full Bench of this Court in '**Kulwinder Singh and others vs. State of Punjab and another**', 2007 (3) RCR (Criminal) 1052 ;besides **Ashish Kumar versus State of Haryana and another**', CRM-M No.36956 of 2020 dated 24.03.2021, where FIR under Sections 420, 467, 468, 471 and 34 IPC as well as subsequent proceedings arising therefrom were quashed on the basis of compromise. Relevant extract of the decision in Gian Singh as well as Kulwinder Singh's case (supra) is reproduced as under:-

**Gian Singh's case (Supra)**

**“57.**        *The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and predominatingly civil flavor stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences*

*arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”*

**‘Kulwinder Singh’s case (supra)’**

*“39. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice". Disputes which have their genesis in a matrimonial discord, landlord-tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising*

*its powers under Section 482 of the Cr.P.C. in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.*

*40. The only inevitable conclusion from the above discussion is that there is no statutory bar under the Cr.P.C. which can affect the inherent power of this Court under Section 482. Further, the same cannot be limited to matrimonial cases alone and the Court has the wide power to quash the proceedings even in non-compoundable offences notwithstanding the bar under Section 320 of the Cr.P.C., in order to prevent the abuse of law and to secure the ends of justice.”*

6. I have considered the submissions of learned counsel for the parties and gone over the record.

7. In view of the settlement (Annexure P/2) dated 04.12.2019, statement of the parties before the learned Judicial Magistrate, 1<sup>st</sup> Class Ludhiana, as well as report submitted by the learned Judicial Officer, the possibility of conviction of the petitioner in the case is remote and bleak, consequently, continuation of the criminal case against the accused/petitioner despite full and complete settlement between the parties would serve no purpose, therefore in order to secure the ends of justice, it would be appropriate to put the criminal case to an end especially in view of the parties being wife and husband, having two daughters, living separately since 01.06.2018 and having decided to seek

divorce by mutual consent. In view of the position as noted above, there is no impediment in the way of this Court in exercising its inherent powers under Section 482 Cr.P.C. to quash the FIR and all consequential proceedings emanating therefrom qua the petitioner.

8. Accordingly, in the light of the position noted above, FIR No. 0262 dated 11.12.2018, registered under Sections 420, 465, 467, 468, 471 IPC at Police Station Dugri, District Police Commissionerate Ludhiana along with all consequential proceedings, emanating therefrom, are quashed *qua* the petitioner only.

9. Petition allowed in the aforementioned terms.

(B.S. Walia)  
Judge

22.07.2021  
'Rajneesh'

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