

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3457-2022

Date of Decision: 17.03.2022

Navneet Gupta

..... Petitioner

Versus

Union Territory, Chandigarh and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. S.K.S.Bedi, Advocate,
for the petitioner.

Mr. Rajiv Vij, APP, U.T., Chandigarh.

Ms. Juhi Goel, Advocate,
for respondent No.2.

(Through video conferencing)

PANKAJ JAIN, J. (ORAL)

By way of this petition, the petitioner is seeking quashing of FIR No.0087 dated 07.07.2019, registered under Sections 406 and 498-A of the Indian Penal Code, at Women Police Station, Chandigarh, along with all other subsequent proceedings arising therefrom, on the basis of compromise.

On 09.02.2022, the following order was passed:-

“The instant petition has been filed under Section 482 Cr.P.C., seeking quashing of FIR No. 0087, dated 07.07.2019, under Sections 406, 498-A of IPC, registered at Women Police Station, Chandigarh (annexed as Annexure P-1), and all the subsequent proceedings arising therefrom, on the basis of compromise dated 21.01.2022 (annexed as Annexure P-2).

Learned counsel for the petitioner submits that it was essentially due to a marital discord between the parties that the FIR in question came to be registered. However, subsequently, the parties have ironed out their differences and entered into a compromise dated

21.01.2022 (Annexure P-2).

Notice of motion.

Ms. Juhi Goel, Advocate, has put in an appearance on behalf of respondent No.2 and does not dispute the factum of compromise arrived at between the parties and also does not oppose the quashing of the FIR in question. Power of Attorney on behalf of respondent No.2 be filed in the registry.

Let a copy of the complete paper book be furnished to the learned counsel for respondent No.2 during the course of the day.

Adjourned to 17.03.2022.

Meanwhile, parties are directed to present themselves before the Illaqa Magistrate/trial Court on 18.02.2022 for getting their statements recorded with regard to the factum of compromise so effected between them. The Illaqa Magistrate/trial Court is directed to record the statements of both the parties specifying the following:

- i) The number of accused arrayed in the FIR, how many have appeared before it, have made statements and whether any accused is absconding/P.O. in the case;*
- ii) The name of the complainant and aggrieved and whether all of them have appeared and made their respective statements in support of the compromise so effected between them;*
- iii) The stage of trial/proceedings;*
- iv) If the compromise is genuine, voluntarily and out of free will of the parties./*

The Illaqa Magistrate/trial Court is further directed to send a report along with statements of the parties with regard to the validity or otherwise of the compromise so effected between the parties.”

Now, report from JMIC, Chandigarh, dated 04.03.2022 has been received, which is taken on record. As per the same, the compromise has been found genuine, voluntarily and without any coercion and undue influence or pressure.

Learned counsel appearing for respondent No.2 admits the fact of the parties having compromised and states that she has no objection in

case the aforesaid FIR, along with all other subsequent proceeding arising therefrom against the petitioners, is quashed.

However, learned State counsel submits that though as per the report, the parties have compromised, but the fact remains that offence punishable under Section 498-A of the IPC is non compoundable.

In response thereto, learned counsel for the petitioner has relied upon the judgment passed by the Supreme Court in ***Criminal Appeal No.1489 of 2012***, titled as ***Ramgopal and another vs. The State of Madhya Pradesh***. The relevant portion of the same reads as under:-

“11. True it is that offences which are ‘non-compoundable’ cannot be compounded by a criminal court in purported exercise of its powers under Section 320 Cr.P.C. Any such attempt by the court would amount to alteration, addition and modification of Section 320 Cr.P.C, which is the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of Section 320 Cr.P.C., which may justify its wider interpretation and include such offences in the docket of ‘compoundable’ offences which have been consciously kept out as non compoundable. Nevertheless, the 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. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 Cr.P.C. in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.”

Keeping in view the law laid down by Supreme Court and the fact that parties have compromised, the present petition is allowed. FIR No.0087 dated 07.07.2019, registered under Sections 406 and 498-A of the Indian Penal Code, at Women Police Station, Chandigarh, along with all other subsequent proceedings arising therefrom, is hereby quashed.

(PANKAJ JAIN)
JUDGE

17.03.2022
adhikari

Whether speaking/reasoned	Yes
Whether Reportable	No