

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-6509-2022

Date of decision : 19.05.2022

Rajat Rana

... Petitioner

Versus

State of Punjab and aother

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Krishan Singh, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Kapil Khanna, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.31 dated 18.03.2021 registered under Sections 406, 498-A IPC at Police Station Balongi, District SAS Nagar (Mohali) and all other consequential proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner and respondent no.2 have submitted that in the present case there was a matrimonial dispute which has now been resolved between the petitioner and respondent no.2, who are husband and wife, and the compromise has been effected before the Mediation and Conciliation Centre of this Court. The relevant portion of the said compromise dated 09.12.2021 is reproduced hereinbelow:-

hereto:

i) The parties have mutually agreed to part ways by getting the decree of divorce against each other on the basis of mutual consent under Section 13-B of the Hindu Marriage Act. It has been decided between the parties that petition under Section 13-B shall be filed by the parties on or before 25.12.2021 in District Courts, Mohali. Both the parties shall be bound to make statement in the said petition filed by the parties jointly under Section 13-B of the Hindu Marriage Act as and when directed by the Hon'ble Court.

ii) In lieu of this the first party has agreed to pay Rs.2,50,000/- (Rupees Two Lacs Fifty Thousand Only) to the second party in the form of permanent alimony full and final. The first party will also return gold articles and other gift items (Annexure 'A') to the second party on the hearing of CRM-M-21233 of 2021 on 15.12.2021.

ii) The second party will not oppose the anticipatory bail before the Hon'ble High Court. The second party will also withdraw the execution application under Domestic Violence Act filed by her in District Court, Mohali against the first party. The first party will also file quashing petition of FIR No 31 dated 18.03.2021, Police Station Balongi (Mohali) in the Hon'ble High Court on the basis of the said compromise and second party will make a statement that she will not have any objection with regard to quashing of the said FIR.

iii) The said amount of Rs.2,50,000/- (Rupees Two Lacs Fifty Thousand Only) will be paid by the first party to the second party in the following manner:-

(a) Rs.1,00,000/- (Rupees One Lakh Only) on the first date of hearing of divorce petition filed in District Court, Mohali.

(b) Rs.1,50,000/- (Rupees One Lakh Fifty Thousand Only) on the second and final date of hearing of divorce petition filed in District Court, Mohali.)”

A perusal of the above compromise would show that it has been agreed between the parties that the first party, i.e. petitioner would file a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise and respondent no.2 will make statement that she has no objection with regard to the quashing of the said FIR. The settlement has

been signed by the petitioner and respondent no.2 and the counsel appearing for respondent no.2 has submitted that the said compromise is genuine and bonafide and entered into without any undue influence or coercion. It has been stated that petitioner and respondent no.2 would be bound by the terms of compromise.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner and the complainant. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in “***Kulwinder Singh and others Vs State of Punjab***”, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of “***Gian Singh Vs. State of Punjab and another***”, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion

of para 57 of the said judgment is reproduced hereinbelow:-

“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 view of what has been discussed hereinabove, this petition is allowed and FIR no.31 dated 18.03.2021 registered under Sections 406, 498-A IPC at Police Station Balongi, District SAS Nagar (Mohali) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner. Both the parties would be bound by the terms of the above said compromise.

May 19, 2022.

Davinder Kumar

**(VIKAS BAHL)
JUDGE**

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No