

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8077 of 2021

Date of Decision: 13th May, 2022

Dinesh and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Ms. Meena Bansal, Advocate for the petitioners.
Ms. Geeta Sharma, DAG, Punjab.
Ms. Tej Pal Dhull, Advocate for respondent No. 2.

AVNEESH JHINGAN , J.(Oral)

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 335 dated 17.12.2019, under Sections 323, 34, 341 and 506 IPC, registered at Police Station Narwana City, District Jind on the basis of compromise.

The FIR was registered at the instance of Maya Devi. An incident took place on 17th December, 2019 between the complainant and in-laws of her daughter. There was a matrimonial dispute and parties had come to the Court to attend the proceedings with regard to the maintenance.

The parties with the intervention of respectables have compromised the matter.

On 19.2.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 6.4.2021 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence. Further that there are three accused (petitioners herein) and they have not been declared as proclaimed offender.

Full Bench of this Court in *Kulwinder Singh and others vs.*

State of Punjab, 2007 (3) RCR (Criminal) 1052, has held:-

“There is no statutory bar in Cr.P.C. which affects inherent power of this Court under Section 482. The power of quashing is not limited to matrimonial cases alone.”

The Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, 2017 AIR (SC) 4843*** laid down the broad principles governing the exercises of powers of quashing of FIR. It was held that the power under Section 482 Cr.P.C. is to be exercised by the High Court to secure the ends of justice, to prevent abuse of any process of law and in cases where in view of the compromise the possibility of conviction is remote and continuation of proceeding will cause oppression and prejudice.

The parties have bridged their differences and have decided to buy peace of mind, rather than indulging in litigation. The matrimonial dispute has been resolved the parties have decided to part ways. Continuation of the trial would only create complications in their future. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

**(AVNEESH JHINGAN)
JUDGE**

13th May, 2022

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Whether reasoned/speaking

Yes

Whether reportable

Yes