

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

242-2

CRM-M-9642 of 2021
Date of decision:16.03.2022

Jaswinder Singh and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Narinder Singh Dadwal, Advocate
for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Jagjit Singh, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Instant petition has been filed under Section 482 Cr. P.C seeking quashing of FIR No.0024 dated 01.02.2019 registered under Sections 420, 498-A, 406 of Indian Penal Code, 1860 at Police Station Sidhwan Bet, District Ludhiana Rural (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 15.02.2021 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.3 is the ex-husband of the complainant-respondent No.2 and petitioners No.1, 2 and

4 are his relatives. He submits that marriage of petitioner No.3 was solemnized with the complainant-respondent No.2 on 15.11.2017. However, on 08.12.2017, petitioner No.3 left for Australia and the complainant-respondent No.2 went back to her parental home. He submits that she filed a complaint against the petitioners and FIR (Annexure P-1) is an outcome of matrimonial dispute which has now been settled by virtue of compromise (Annexure P-2). Still further, he submits that in terms of the compromise, the entire amount of Rs.13.00 lacs has been paid by way of permanent alimony to the complainant-respondent No.2 and the marriage between the parties has been dissolved by virtue of judgment and decree dated 09.11.2021.

State counsel upon instructions from ASI Surinder Singh, has submitted that petitioner No.3 was declared as Proclaimed Offender after following the procedure prescribed by law. Still further, he submits that on completion of investigation, challan has been presented against Jaswinder Singh and Kashmir Kaur, in-laws of the complainant under Sections 498-A, 406 IPC, however, offence under Section 420 IPC was deleted.

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

Vide order dated 03.03.2021, this Court directed the parties to appear before the Trial Court/Illaq Magistrate and to get their statements recorded in support of the compromise and a report was called for. The

report has been received and its relevant extract is reproduced as under:-

“i). As reported by the Ahlmad concerned, four accused namely Jaswinder Singh, Kashmir Kaur, Hardeep Singh and Inderjit Singh have been arrayed in the FIR of present case.

ii) As reported by Ahlmad concerned, final report was presented against accused Jaswinder Singh and Kashmir Kaur and they were appearing in the case while accused Hardeep Singh and Inderjit Singh were placed in column no.2 due to pendency of PO proceedings against them. Perusal of file reveals that vide order dated 26.02.2020, accused Hardeep Singh was declared proclaimed offender while proclamation against accused Inderjit Singh was effected but his PO proceedings were kept in abeyance because he got protection from Hon'ble High Court by filing a writ petition.

iii) Final report has been presented in this case but charge against the accused is yet to be (sic to be) framed. However, Hon'ble High Court had stayed order dated 26.02.2020 passed by this Court vide its order dated 10.08.2020 passed in CRM-M-No.22254 of 2020 as such, present case is since then pending for awaiting further order of Hon'ble High Court.

iv) From the statements so suffered by parties, compromise effected between the parties is found to be genuine.”

Although petitioner No.3 was declared as Proclaimed Offender

vide order dated 26.02.2020, but the said order has been quashed by this Court in connected petition, CRM-M-53448 of 2021 and petitioner No.4 has withdrawn CRM-M-22254 of 2020, vide order passed on even date.

Supreme Court in *Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582* and 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, Cr.P.C. 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. Apex Court in *Parbatbhai Aahir alias Parbatbhai Bhimsinghbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641* has summarized the broad principles on the basis of the precedents and has held that the inherent power of the High Court has a wide ambit and plenitude, which has to be exercised to secure the ends of justice or to prevent the abuse of the process of any Court. In *Ramgopal and another Versus The State of Madhya Pradesh 2021 (4) RCR (Criminal) 322*, 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.

FIR (Annexure P-1) is a fallout of martial discord between the parties, which has been settled, marriage has been dissolved, order declaring petitioner No.3 as Proclaimed Offender has been set aside and the parties

have buried their differences. This Court is of the view that continuation of the criminal proceedings would be futile and it is a fit case to exercise inherent powers under Section 482, Cr.P.C.

Accordingly, the petition is allowed. FIR No.0024 dated 01.02.2019 registered under Sections 420, 498-A, 406 of Indian Penal Code, 1860 at Police Station Sidhwan Bet, District Ludhiana Rural (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

March 16, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>