

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(116)

CRM-M-11325-2021 (O&M)

Date of Decision: 07.03.2022

Manrattan Singh and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Jasdev Singh Brar, Advocate for the applicants-petitioners.

Ms. Ishmeet Kaur, Assistant Advocate General, Punjab  
for the respondent No.1.

Mr. M.S.Sidhu, Advocate for respondents No.2 and 3.

...

**SUVIR SEHGAL, J. (Oral)**

**CRM-8314-2022**

Prayer made in the application is for placing on record copy of judgment dated 08.11.2021 passed by the Ld. Principle Judge, Family Court, Sri Muktsar Sahib on a petition filed under Section 13-B of the Hindu Marriage Act, 1955 as Annexure A-1.

Application is allowed as prayed for.

**CRM-5885-2022**

Prayer in the application is for preponement of the hearing of main case, which is fixed for 19.09.2022.

Noticing the prayer made in the application, it is allowed.

Hearing of the main case is preponed to today and it is ordered to be taken on Board.

**CRM-M-11325-2021**

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the FIR No.8 dated 22.08.2020, registered for offences under Sections 498-A, 406 and 120-B of the Indian Penal Code, 1860, at Police Station Women, Ferozepur, District Ferozepur (Annexure P-1) alongwith all subsequent proceedings arising therefrom, on the basis of Settlement/Agreement dated 03.02.2021 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the husband of complainant-respondent No.2 and petitioners No.2 to 8 are his relatives. He submits that marriage of the parties was solemnized on 20.11.2016 and a daughter was born out of the wedlock, who is residing with respondent No.2. He submits that the parties could not adjust with each other due to temperamental differences and they have been residing separately since March 2020 and FIR (Annexure P-1) has been lodged by respondent No.3, father of respondent No.2 due to the marital discord. He submits that the dispute between the parties has been settled by virtue of Settlement/Agreement (Annexure P-2) arrived at before the Mediation and Conciliation Centre of this Court and in terms of the settlement, the petitioners have paid a sum of Rs.40 lakh. By referring to the judgment (Annexure A-1), counsel submits that the marriage has been dissolved by mutual consent, pending, litigation has been withdrawn and as agreed, the custody of the daughter is with respondent No.2. Still further, he submits that pursuant to order passed by this Court, parties have appeared before the

Trial Court and their statements have been recorded in respect of the compromise.

Upon instructions from ASI, Tarlok Singh, State counsel has received instructions regarding compromise. Mr. M.S.Sidhu, Advocate, who is representing respondents No.2 and 3, has admitted the factum of compromise as well as statements of the parties.

Heard counsel for the parties.

Vide order dated 12.03.2021, this Court directed the parties to appear before the Area Magistrate and to get their statements recorded with regard to compromise. A report was called for from the Magistrate on the following points:-

- “(i) *how many total accused are facing the trial,*
- (ii) whether any of the accused was declared proclaimed offender at any stage of trial,*
- (iii) status/stage of the trial/case,*
- (iv) to record the statements of all the concerned parties with regard to the genuineness and validity or otherwise of the compromise.*
- (v) to record the statement of Investigating Officer with regard to points No.(i), (ii) and (iii) as above.”*

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

- “1. *There are eight number of accused, facing the trial;*

2. *No accused has been declared as Proclaimed offender;*
3. *Stage of trial is awaiting challan in the Court;*
4. *From the perusal of statement of parties, it appears that the statement of parties are bonafide and are not result of any pressure or coercion etc. in any manner;*
5. *In this context, statement of ASI Tarlok Singh, No.260/FZR, has been recorded separately, to the aforesaid effect, as desired, which is also enclosed herewith for your Honour's kind perusal. ”*

Supreme Court 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 of the Code of Criminal Procedure 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.

In view of above, FIR, Annexure P-1, having arisen from a matrimonial dispute, which has been settled and marriage between the parties having been dissolved, this Court is of the view that no purpose would be served in continuing with the criminal proceedings.

Accordingly, the petition is allowed. FIR No.8 dated 22.08.2020, registered for offences under Sections 498-A, 406 and 120-B of the Indian Penal Code, 1860, at Police Station Women, Ferozepur, District Ferozepur (Annexure P-1) alongwith all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)  
JUDGE

07.03.2022  
Pardeep

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|---------------------------|-----|
| Whether Speaking/Reasoned | Yes |
| Whether Reportable        | Yes |