

**CRM No.9322 of 2022 in/and
CRM-M-17470 of 2021 (O&M)**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM No.9322 of 2022 in/and
CRM-M-17470 of 2021 (O&M)
Date of decision:21.03.2022**

Pavittar Kaur and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ravi Gakhar, Advocate, for the petitioners.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Gurpreet Jiya, Advocate for
Mr. Nischal Manchanda, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM No.9322 of 2022

Prayer in the application is for preponement of hearing of the main case.

Noticing the prayer made in the application, date of hearing of the main case is advanced to today and it is ordered to be taken up on Board.

Application is allowed.

CRM No.9320 of 2022

For the reasons given in the application, it is allowed.

Judgment dated 18.02.2022 passed in petition instituted under Section 13-B of Hindu Marriage Act, 1955 is taken on record as Annexure P-9.

CRM-M-17470 of 2021

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.0040 dated 16.08.2016 registered under Sections 498-A, 406, 506 of Indian Penal Code, 1860 at Police Station Women, District Amritsar City (Annexure P-1) and all other consequential proceedings arising therefrom, on the basis of compromise dated 01.04.2021 (Annexure P-2).

Counsel for the petitioners submits that petitioners No.1 and 2 are the in-laws and petitioner No.3 is the husband of the complainant-respondent No.2. He submits that marriage of petitioner no.3 was solemnized with the complainant-respondent No.2 on 15.03.2009 and one child was born out of the wedlock, but due to temperamental differences, they could not adjust with each other and have been living separately since June, 2016. He submits that dispute between the parties has been settled by virtue of compromise (Annexure P-2) and in terms thereof, the marriage has been dissolved by mutual consent, vide judgment dated 18.02.2022 (Annexure P-9). He has also referred to the Clause 2 of the terms of the compromise deed to submit that settlement has also been arrived regarding custody and welfare of the minor child.

Short reply by way of affidavit of Assistant Commissioner of Police, Crime against Women and Children, Amritsar City has been filed on behalf of State-respondent No.1, which is taken on record.

Upon instructions from ASI Gurmeet Singh, State counsel submits that investigation has been concluded, challan has been presented,

charge has been framed under Sections 498-A, 406 IPC, though the prosecution evidence is yet to start.

Counsel for the complainant has admitted the factum of compromise as well as statement made by counsel for the petitioners and he does not have any objection in case FIR is quashed.

Heard counsel for the parties.

Vide order dated 28.04.2021, this Court directed the parties to appear before the Trial Court for recording of their statements and a report was called for from the Court concerned as to whether the compromise is voluntarily and also as to whether any of the parties has been declared as P.O. Report has been received and its relevant extract is reproduced as under:-

“From the statements, it appears that complainant and accused/petitioner have compromised the matter without any pressure, duress, inducement and threat of any kind from any corner voluntarily with their free will.”

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 Bhimsinhbhai 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) has emanated from a martial dispute between the parties, which has been settled, marriage has been dissolved by mutual consent by virtue of judgment and decree (Annexure P-9) and the parties have decided to bury the hatchet and lead their separate independent lives. Therefore, this Court is of the view that continuation of the criminal proceedings would not serve any purpose, rather setting aside of the same would enable the parties to lead a peaceful life.

Accordingly, the petition is allowed. FIR No.0040 dated 16.08.2016 registered under Sections 498-A, 406, 506 of Indian Penal Code, 1860 at Police Station Women, District Amritsar City (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

March 21, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes