

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(121)

CRM-M-17836-2019 (O&M)

Date of Decision:- 25.02.2022

Gurwinder Singh and another

...Petitioners

VERSUS

The State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. B.S.Saroha, Advocate for the applicants-petitioners.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab
for the respondent No.1-State.

Mr. Gautam Kaila, Advocate for the respondent No.2.

SUVIR SEHGAL, J. (Oral)

CRM-4888-2022

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

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

CRM-M-17836-2019

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.93 dated 03.11.2018 registered for offences under Sections 498-A, 342, 323 and 34 of the Indian Penal Code, 1860, at Police Station Khamanon, District Fatehgarh Sahib, Annexure P-1, along with all subsequent proceedings arising therefrom, on the basis of panchayati compromise dated 15.02.2019, Annexure P-2, arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No.2 is the father-in-law of complainant-respondent No.2. He submits that the marriage of petitioner No.1 was solemnized with complainant-respondent No.2 on 22.01.2018 and the parties cohabited together at Thanesar, District Kurukshetra, but they could not pull along and started residing separately from February, 2018. As per the counsel, with the intervention of the relatives, a panchayati compromise, Annexure P-2, has been entered into between the parties and in terms, thereof, marriage has been dissolved by judgment and decree dated 04.10.2019, Annexure P-10. Counsel submits that the petitioners have paid the entire permanent alimony of Rs.13 lacs to the complainant as well as returned her personal articles, passport etc.

Upon instructions received from ASI, Harinder Singh, State counsel submits that the matter is under investigation.

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

Heard counsel for the parties.

This Court directed the parties to appear before the Trial Court/Area Magistrate to get their statements recorded in support of the compromise and a report was called for from the Court regarding the genuineness of the compromise as also as to whether any of the petitioners has been declared as proclaimed offender. Report has been received and its relevant extract is reproduced as under:-

“.... after going through their statements recorded by the accused, Kaka Singh and Gurwinder Singh, and the complainant, namely, Pawandeep Kaur, I am of the view

that a genuine and true compromise has been entered into between these parties and which is voluntary without any pressure or undue influence and out of their own free will.”

On the basis of the statement of the Investigating Officer, it has been further reported that the petitioners have not been declared as proclaimed offender in the present case.

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, 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 summarised 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.

Considering the fact that the FIR is a fallout of a matrimonial dispute, which has been resolved and the parties have decided to bury the hatchet, this Court is of the view that continuation of the criminal proceedings will 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.93 dated 03.11.2018 registered for offences under Sections 498-A, 342, 323 and 34 of the Indian Penal Code, 1860, at Police Station Khamanon, District Fatehgarh Sahib, Annexure P-1, along with all subsequent proceedings arising therefrom, are quashed qua the petitioners.

(SUVIR SEHGAL)

JUDGE

25.02.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No