

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-25884 of 2022 (O&M)

Date of Decision: 29.7.2022

Harpal Singh and others

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ankush Verma, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.
Mr. G. S. Ghuman, Advocate for respondent No. 2.

AVNEESH JHINGAN, J (Oral):

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 9 dated 8.10.2020, under Sections 420 and 120-B IPC, registered at Police Station NRI, SBS Nagar, Punjab and all subsequent proceedings arising therefrom on the basis of compromise.

The dispute is between the husband and the wife. As per the allegations, the husband bore the expenses for sending his wife abroad. However, after settling abroad she refused to take him there.

On 27.6.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 15.7.2022 is received stating that the compromise is genuine, voluntary, without any coercion or undue influence and 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 present case is outcome of matrimonial dispute. They have decided to part their ways and are proceeding in that direction. The parties have settled the differences and have decided not to litigate any further. No useful purpose would be served by continuing with the trial. 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

29.7.2022

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1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No