

IN THE HIGH COURT FOR THE STATES OF PUNJAB &
HARYANA AT CHANDIGARH

CRM-M-26926-2022 (O&M)

Date of Decision: September 16, 2022

Sandeep Kumar and others

.... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIVEK PURI

Present: Mr. Gulzar Mohammad, Advocate,
for the petitioners.

Mr. Hittan Nehra, Addl. A.G., Punjab,
for respondent No.1.

Mr. Rajesh Gupta, Advocate,
for respondent No.2

Vivek Puri, J.

CRM-32540-2022

This is an application for placing on record the
certified copy of judgment dated 29.07.2022 (Annexure P-7).

Annexure P-7 is taken on record.

Instant application is disposed of.

CRM-M-26926-2022

The petitioners have approached this Court by
way of instant petition under Section 482 of the Code of

Criminal Procedure (for short ('Cr.P.C.)) invoking its inherent jurisdiction for quashing of F.I.R. No. 26 dated 15.03.2016, registered under Sections 406, 498-A of the Indian Penal Code (for short 'IPC') at Police Station Women, District Police Commissionerate Jalandhar along with all consequential proceedings arising therefrom, on the basis of compromise dated 07.12.2021 (Annexure P-5).

Precisely, the FIR has been registered at the instance of the respondent no.2 alleging that petitioner nos. 1, 2 and 3 are the husband, father-in-law and mother-in-law, respectively. They have mis-appropriated the articles of istridhan and had been subjecting her to cruelty.

Petitioner no.1 was earlier declared as proclaimed person and in terms of the order dated 17.09.2020 passed in CRM-M-3449-2020 (Annexure P-3), the order vide which he was declared person was set aside. It has been submitted by the learned counsel for the petitioners that subsequently, he was admitted on bail and is facing trial.

Petitioner nos. 2 and 3 faced trial at the earlier instance and in terms of the judgment dated 22.11.2019 (Annexure P-2) passed by the Court of learned Judicial Magistrate First Class, Jalandhar, they were acquitted. Aggrieved by the aforesaid judgment of acquittal, the State has filed the appeal which is stated to be pending in the

Court of learned Additional Sessions Judge-V, Jalandhar and the next date of hearing therein is 01.10.2022.

Notice of motion was issued on 07.07.2022 and the parties were directed to appear before the learned trial Court to get the statements recorded and the report was sought as to whether the parties have entered into compromise voluntarily, without any threat or coercion. The trial Court/Illaq Magistrate was also directed to report as to whether any of the parties has been declared as proclaimed offenders.

In terms of order dated 07.07.2022, the learned Judicial Magistrate after recording the statements of the parties, has sent the report dated 20.08.2022. The relevant port of the report is reproduced as following:-

“Investigating Officer ASI Rajesh Kumar No. 1657/Jal posted at Women Cell, Jalandhar also appeared in court and suffered statement that as per record, Sonia is the complainant/victim of the present case. Except her, there is no other complainant/victim in the present case. The names of accused persons are 1. Sandeep Seth 2. Narinder Kumar Seth 3. Promila Seth. Except them, there is no other person nominated by the police as accused. As per record, accused are neither involved in any other case nor declared proclaimed offender in any other criminal case.

As per record, Sonia is the complainant/victim of the present case. Except her, there is

no other complainant/victim in the present case. The names of accused persons are 1. Sandeep Seth 2. Narinder Kumar Seth 3. Promila Seth. Except them, there is no other person nominated by the police as accused. As per record, accused are neither involved in any other case nor declared proclaimed offender in any other criminal case. At present, the case is pending for awaiting challan.

Both parties have compromised the matter. There is no grudge remain between parties. The compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

Learned counsel for the petitioners contend that the marriage of the petitioner no.1 was solemnized with the respondent no.2 on 05.03.2014 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 07.12.2021 (Annexure P-5). The marriage of the petitioner no.1 and respondent no.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 29.07.2022 (Annexure P-7) passed by the Court of learned Principal Judge, Family Court, Jalandhar. The custody of the minor child shall remain with the respondent no.2. A sum of Rs. 2.50 lakhs

has been paid to the respondent no.2 on account of permanent alimony. No other case is pending against the parties.

Learned counsel for the respondent no.2 has acknowledged the fact of compromise and further submits that he has no objection, if the FIR and the consequential proceedings against all the petitioners are quashed.

After hearing the learned counsel for the parties and going through record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise (Annexure P-5). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

It may be true that the inherent power under Section 482 Cr.P.C. cannot be exercised to quash the criminal proceedings where the offence is heinous in nature, but in the event, the matter is overwhelmingly and predominantly of civil nature and particularly arising out of matrimonial dispute, it shall be appropriate to quash the FIR and the entire subsequent proceedings to put a quietus to the matter. The controversy in the instant case does not indicate that the same involves heinous or serious offences

and furthermore, the matrimonial dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the court should exercise the power to secure the ends of justice.

For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, upheld by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

In the decision rendered in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102**, the Division Bench of this Court has laid down as following:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

Furthermore, in the decision rendered in **Ramgopal and another Vs. State of Madhya Pradesh, Criminal Appeal No. 1489 of 2012, decided on**

29.09.2021, it has been held by the Supreme Court that non compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

Considering the peculiar facts and circumstances of the case noted above and to secure the ends of justice, F.I.R. No. 26 dated 15.03.2016, registered under Sections 406, 498-A IPC at Police Station Women, District Police Commissionerate Jalandhar along with all consequential proceedings arising therefrom, on the basis of compromise dated 07.12.2021 (Annexure P-5) effected between the parties, is ordered to be quashed. Furthermore, the appeal preferred by the State challenging the acquittal of the petitioner nos. 2 and 3 stated to be pending in the Court of learned Additional Sessions Judge-V, Jalandhar and fixed for 01.10.2022 would be rendered infructuous and shall be so declared by the learned appellate Court, where the appeal is pending.

Resultantly, with the above-said observations made, the instant petition stands allowed.

September 16, 2022
vkd

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No