

**254 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-26025-2019

Date of Decision: 11.05.2022

JOGINDER KAUR AND ANOTHERPetitioners
VERSUS
STATE OF U.T. CHD AND ANOTHERRespondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN.

Present: Mr. Parijot Gaur, Advocate for
Mr. Roopam Jain, Advocate
for the petitioners.
Mr. Avinash Kumar, Advocate for
Mr. Kuldeep Tiwari, APP for U.T. Chandigarh.

PANKAJ JAIN, J. (Oral)

The petitioners have approached this Court seeking quashing of FIR No.429 dated 25.10.2014 under Sections 406, 498-A of IPC registered at Police Station Sector 11, Chandigarh (Annexure P-1) on the basis of compromise.

On 06.03.2020, the following order was passed:-

“This is a petition for quashing of FIR No.429 dated 25.10.2014, under Sections 406/498-A of Indian Penal Code of registered at Police Station, Sector 11, Chandigarh, on the basis that a compromise has been entered into between the parties.

Service is complete.

The parties are directed to appear before the learned trial Court/Illaq Magistrate on 03.04.2020 or any other date convenient to the trial court/Illaq Magistrate, to get recorded their statements regarding compromise and after recording their statements, learned trial Court/Illaq Magistrate, is directed to send the report regarding the genuineness of compromise and also to intimate whether any PO

proceedings are pending against any of the accused on or before the date fixed i.e. 04.05.2020.

A copy of this order be sent to learned trial Court/Illaq Magistrate through fax for compliance.”

In pursuance to the aforesaid order, report has been received from Judicial Magistrate Ist Class, Chandigarh wherein it has been stated that:

“This Court, after hearing the parties in persons along with counsel of accused person and after going through the statements recorded in the Court, is of the opinion that the compromise effected between the parties seems to be genuine. They have compromised the matter voluntarily and without any coercion or undue influence and statements given by the complainant as well as accused are not the result of any pressure and coercion.

Keeping in view the report received and the fact that the present dispute is the result of matrimonial discord between the parties which has been given burial by way of decree of divorce passed under Section 13-B of the Hindu Marriage Act, learned State counsel submits that though as per the report, the parties have compromised, but the fact remains that offences punishable under Section 498-A of the IPC are non compoundable.

In response thereto, learned counsel for the petitioners has relied upon the judgment passed by the Supreme Court in ***Criminal Appeal No.1489 of 2012, titled as Ramgopal and another vs. The State of Madhya Pradesh.*** The relevant portion of the same reads as under;-

“11. True it is that offences which are ‘noncompoundable’ cannot be compounded by a criminal court in purported exercise of its powers under Section 320 Cr.P.C. Any such attempt by the court would amount to alteration, addition and modification of Section 320 Cr.P.C, which is

the exclusive domain of Legislature. There is no patent or latent ambiguity in the language of Section 320 Cr.P.C., which may justify its wider interpretation and include such offences in the docket of ‘compoundable’ offences which have been consciously kept out as non compoundable. Nevertheless, the 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. The High Court, keeping in view the peculiar facts and circumstances of a case and for justifiable reasons can press Section 482 Cr.P.C. in aid to prevent abuse of the process of any Court and/or to secure the ends of justice.”

Keeping in view the law laid down by Supreme Court and the fact that parties have compromised, the present petition is allowed. FIR No.429 dated 25.10.2014 under Sections 406, 498-A of IPC registered at Police Station Sector 11, Chandigarh (Annexure P-1) and all proceedings subsequent thereto are hereby quashed.

11.05.2022

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(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*