

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(133 + 292)

CRM-M-36848-2021 (O&M)

Date of decision: - 12.07.2022

Rohit Gulati

....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sachin Luthra, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Karan Kalra, Advocate
for respondent No.2.

VIKAS BAHL, J. (ORAL)

CRM-20784-2022

Present application has been filed for placing on record the copy of judgment and decree dated 02.05.2022 as Annexure P-6.

Application is allowed, as prayed for. Copy of judgment and decree dated 02.05.2022 (Annexure P-6) is taken on record, subject to all just exceptions.

CRM-M-36848-2021

This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.813 dated 02.11.2020, registered under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860 at Police Station

Ambala City, District Ambala and all the subsequent proceedings arising therefrom on the basis of compromise.

On 07.09.2021, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“This is a petition that has been filed seeking quashing of FIR No.813, dated 02.11.2020, under Sections 323/406/498-A and 506 of IPC registered at Police Station Ambala City, District Ambala, on the basis that a compromise has been entered into between the parties.

Notice of motion.

Ms. Mahima Yashpal, DAG, Haryana, accepts notice on behalf of respondent-State and Mr. Sandeep Verma, Advocate accepts notice for respondent No.2 and admits to the factum of compromise. Copy of the paper book be supplied to them during the course of day.

Service is complete.

Now the parties are directed to appear before the learned trial Court/Illaq Magistrate on 08.10.2021 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 report regarding the genuineness of compromise and also to intimate whether any PO proceedings are pending against any of the party on or before the date fixed i.e. 08.11.2021.

(JAISHREE THAKUR)
JUDGE

07.09.2021”

In pursuance of the said order, the report has been submitted by the Chief Judicial Magistrate, Ambala to the Registrar Judicial of this Court. The relevant part of the report is reproduced hereinbelow:-

“In this regard, it is humbly submitted that on 9.11.2021, the parties namely Rohit Gulati (petitioner/accused) and Sakshi (complainant/ respondent No.2) appeared in person and got their statements recorded with respect to compromise Ex.C1. They stated that the have already applied for divorce under Section 13B of the Hindu Marriage Act, in which first motion has been recorded and

second motion is fixed for 27.4.2022. They stated that the compromise is without any pressure/coercion and with their free will. Complainant stated that she does not want to continue with this case and she has no objection if the aforementioned FIR is quashed.

Further report of the Investigating Officer was sought as to whether any party is P.O. in the case, who reported in writing that no PO proceedings are pending against any party.

In view of the statement of the parties and the report of the Investigating Officer I am of opinion that the compromise is genuine. voluntarily and out of free will of the parties and no PO proceedings are pending against any party.

The report is accordingly submitted for the kind perusal of your lordship.

*(Amberdeep Singh)
Chief Judicial Magistrate,
Ambala/9.11.2021"*

A perusal of the said report would show that statements of the concerned persons have been recorded in the case, who have stated that the matter has been compromised and they have no objection in case the FIR in question is quashed. They have further stated that the said compromise is being entered into with there genuine, voluntarily and without any coercion or undue influence.

Learned counsel for the petitioners has submitted that the petitioners have not been declared proclaimed offender. Learned counsel for the State, as per instructions, has stated that this fact is correct.

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the parties.

Learned counsel for the petitioner and respondent No.2 have

jointly submitted that even decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 has been granted in favour of the parties on 02.05.2022 (Annexure P-6).

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned trial Court, this Court finds that the matter has been amicably settled between the petitioners and the complainant. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in “**Kulwinder Singh and others Vs State of Punjab**”, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of “**Gian Singh Vs. State of Punjab and another**”, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced

hereinbelow:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court. XXX---XXX”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.813 dated 02.11.2020, registered under Sections 323, 406, 498-A and 506 of the Indian Penal Code, 1860 at Police Station Ambala City, District Ambala and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

July 12, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No