

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-38069 of 2021
Date of decision:21.03.2022

Siddharth Sharma and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. S.K.Rattan, Advocate
for the petitioners.

Mr. Amandeep Singh Gill, Sr.DAG, Punjab.

Mr. A.S.Sandhu, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.294 dated 18.11.2018 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Sohana, District S.A.S.Nagar (Mohali) (Annexure P-1) and all other consequential proceedings arising therefrom, on the basis of compromise dated 29.07.2021 (Annexure P-2).

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioners No.2 is the sister-in-law and petitioners No.3 and 4 are the in-laws of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 30.11.2016 and there is no issue out of the wedlock, but due to

temperamental differences, they could not pull along and have been living separately since August, 2018. He submits that marriage between the parties has been dissolved, by virtue of judgment and decree dated 20.12.2021 (Annexure P-11) and amount of Rs.7.5 lacs has been paid by way of permanent alimony. He submits that pursuant to order passed by this Court, the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

State counsel upon instructions from ASI Sanjay Kumar submits that investigation has been completed and final report under Section 173 Cr.P.C has been presented, though charge has not been framed.

Counsel representing the complainant-respondent No.2 has admitted the factum of compromise as well as statement of counsel for the petitioners and does not have any objection in case the FIR (Annexure P-1) is quashed.

Heard counsel for the parties.

Vide order dated 14.09.2021, this Court directed the parties to appear before the Trial Court/Area Magistrate and to get their statements recorded in support of the compromise and a report was called for from the concerned Court regarding the genuineness of the compromise and also as to whether PO proceedings are pending against any of the parties. The report has been received and its relevant extract is reproduced as under:-

“6. I am satisfied that the compromise arrived at between the parties is genuine, voluntarily, with their free consent, without any fear, undue influence or coercion. No PO

proceedings are pending against any of the party. Complainant has stated in her statement before the undersigned that she has compromised the matter with all the accused persons involved in the present case and she has no objection if the present FIR be quashed against all the accused.”

Supreme Court in ***Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582*** and 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 Bhimsinhbhai Karmur and others Versus State of Gujrat and another (2017) 9 SCC 641*** has summarized 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.

FIR (Annexure P-1) is an outcome of martial discord between the parties, which has been settled, marriage has been dissolved by virtue of

judgment and decree (Annexure P-11) and the parties have decided to bury their differences and lead their separate independent lives. Therefore, this Court is of the view that continuation of the criminal proceedings would not serve any purpose and deserve to be set aside.

Accordingly, the petition is allowed. FIR No.294 dated 18.11.2018 registered under Sections 406, 498-A of Indian Penal Code, 1860 at Police Station Sohana, District S.A.S.Nagar (Mohali) (Annexure P-1) and all subsequent proceedings arising therefrom, are quashed qua the petitioners.

March 21, 2022

savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes