

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

CRM-M-38567 of 2021

Date of Decision: 5th May, 2022

Gurkiran Kaur and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr.Balbir Kumar Saini, Advocate for the petitioners.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab
for the respondent-State.

Mr. Saransh Sabharwal, Advocate for respondent No. 2.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 72 dated 11.9.2019, under Sections 380 and 457 IPC, registered at Police Station Mehna, District Moga and all subsequent proceedings arising therefrom on the basis of compromise Annexure P-3.

2. The facts emerging from the pleadings are that petitioner No.1 daughter of the complainant Jasvir Singh (respondent No.2) solemnized marriage with Harman Singh-petitioner No.2 against the wishes of the parents. It was alleged that while eloping the petitioners took away cash, mobile phone and gold ornaments.

3. During the pendency of the proceedings, parties with the intervention of the respectables have compromised the matter.

4. Learned counsel for the petitioners submits that parties have started living separately and have filed petition under Section 13-B of the Hindu Marriage Act, 1955.

5. On 17.9.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

6. The report dated 16.11.2021 is received, the relevant part is as below:

“ From the statements of the parties, it is concluded that the compromise so effected between the parties is genuine and voluntary in nature. It is further intimated that in the present case there is no any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required. The FIR in this case sought to be quashed.”

7. 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.”

8. 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.

9. The dispute was between the relatives. The bone of the contention was that the petitioners solemnized marriage against the wishes of the parents of petitioner No.1. The differences have been sorted out. The petitioners have decided to part their ways and proceed ahead with their respective lives. The continuation of the trial would only create complication in the future life of the petitioners. No useful purpose would be served to make the parties go through the grind of the trial. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

10. The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

5th May, 2022
anuradha

Whether reasoned/speaking	Yes
Whether reportable	Yes