

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(257)

CRM-M-40666-2020 (O&M)
Date of Decision: 14.12.2022
Judgement reserved on: 1.12.2022

Karan Puri & others

--Petitioners

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Viren Jain, Advocate and
Mr. G.S. Jagpal, Advocate for the petitioners.

Mr. Harpreet Singh, Addl. A.G., Punjab.

Mr. Vijay Sharma, Advocate for respondent no.2.

RAJESH BHARDWAJ.J (Oral)

Instant petition has been filed under Section 482 Cr.P.C. praying for quashing of FIR No.270 dated 9.10.2019 under Sections 498-A, 406, 420, 467, 468, 471, 120-B IPC registered at Police Station, Civil Lines, Patiala, District Patiala along with all the subsequent proceedings arising therefrom on the basis of compromise dated 21.9.2020.

FIR in question was got registered by complainant-respondent No.2, wherein it was alleged that she was married to petitioner no.1 Karan Puri on 7.2.2011 and the marriage was performed with a great pomp and show, however, thereafter a matrimonial discord took place between husband and wife and the rift kept on widening between both of them, which finally culminated in lodging of the present FIR. However, with the intervention of respectables, finally the parties arrived at a settlement and they resolved their inter se dispute, which is apparent from the compromise

dated 12.12.2019 which was signed by both the sides. A perusal of the same would reveal that both the parties drawn various terms and conditions in the settlement arrived at. They agreed to file a petition under Section 13-B of Hindu Marriage Act for dissolution of the marriage. They further agreed to file a petition for quashing of the FIR in question on the basis of compromise. It was further agreed that the blank cheques signed by the complainant/respondent no.2 would not be misused by the petitioners or through any other person to get any claim on the basis of the said cheques from the complainant. As a result both the parties filed a petition under Section 13-B of Hindu Marriage Act and the marriage in question was dissolved by a decree of divorce dated 21.9.2020.

Learned counsel for the parties have raised their respective arguments. The only controversy which remains to be solved is with regard to handing over the blank cheques to the complainant as agreed by the petitioners. However, it has been argued before this court that the cheques are not traceable and hence the petitioners are not in a position to handover the same to the complainant. It was emphatically argued that the petitioners have already given an undertaking that in any eventuality if the cheques are misused by them or any other person in future, it would be the petitioners who would be liable and the complainant would have no liability whatsoever for the same. After a lengthy argument before this court, learned counsel for the parties have mutually agreed that the concerned bank to which all the 19 cheques belong should be informed about the passing of this order with the request that in case in future any of these cheques issued by the complainant to the petitioners is presented by

petitioners or any other person, the bank would immediately stop the payment of the same. The bank Manager would immediately inform the complainant about the presentation of the cheque, if any.

Having heard learned counsel for the parties and perusing the record, it is apparent that both the parties have amicably resolved all the outstanding issues. The marriage in question has already been dissolved by a decree of divorce dated 21.9.2020. This court finds force in the apprehension expressed by the respondent-complainant regarding possibility of misusing of 19 cheques issued to the petitioners and thus appreciates the same.

The details of cheques issued by the complainant to the petitioners are as follows:-

Sr. No.	Cheque No.	Bank	Branch
1.	946615	PNB	DMC Ludhiana
2.	946616	PNB	DMC Ludhiana
3.	946617	PNB	DMC Ludhiana
4.	946618	PNB	DMC Ludhiana
5.	946619	PNB	DMC Ludhiana
6.	946620	PNB	DMC Ludhiana
7.	344252	PNB	DMC Ludhiana
8.	344253	PNB	DMC Ludhiana
9.	344256	PNB	DMC Ludhiana
10.	344257	PNB	DMC Ludhiana
11.	344258	PNB	DMC Ludhiana
12.	344259	PNB	DMC Ludhiana
13.	215921	PNB	DMC Ludhiana
14.	215922	PNB	DMC Ludhiana
15.	215923	PNB	DMC Ludhiana
16.	215924	PNB	DMC Ludhiana
17.	215926	PNB	DMC Ludhiana
18.	215928	PNB	DMC Ludhiana
19.	215929	PNB	DMC Ludhiana

Note:- Cheque nos.946613 and 215927 already stand returned to the complainant.

Resultantly, the bank Manager of the concerned bank is directed that in case any of the aforementioned cheques is presented by the petitioners or any other person in future, then the payment of the same would not be made and complainant/respondent no.2 would be informed about the same forthwith by the bank authorities about the presentation of the cheque, if any.

A bare perusal of statutory provision of the 482 Cr.P.C. would show that the High Court may make such orders, as may be necessary to give effect to any order under this Code or to prevent abuse of the process of any Court or otherwise to secure the ends of justice. Section 320 Cr.P.C. is equally relevant for consideration, which prescribes the procedure for compounding of the offences under the Indian Penal Code.

Keeping in view the nature of offences allegedly committed and the fact that both the parties have amicably settled their dispute, the continuation of criminal prosecution would be a futile exercise. The Hon'ble Supreme Court in a number of cases including *Narinder Singh and others Versus State of Punjab and another, 2014 (6) SCC 466*; *B.S.Joshi and others vs State of Haryana and another (2003) 4 Supreme Court Cases 675* followed by this Court in Full Bench case of *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR 1052* have dealt with the proposition involved in the present case and settled the law.

Thereafter, Hon'ble Supreme Court in *Gian Singh vs State of Punjab and another (2012) 10 Supreme Court Cases 303* further dealt with the issue and the earlier law settled by the Supreme Court for quashing

of the FIR in **State of Haryana vs Bhajan Lal, 1992 Supp (1) SCC 335.**

Para 61 of the judgment reads as under:-

“61. 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. In what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim’s family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity, etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong

is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of the criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and the wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in the affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

Applying the law settled by Hon'ble Supreme Court in plethora of judgments and this High Court, it is apparent that when the parties have entered into a compromise, then continuation of the proceedings would be merely an abuse of process of the Court and by allowing and accepting the prayer of the petitioners by quashing the FIR would be securing the ends of justice, which is primarily the object of the legislature enacting under Section 482 Cr.P.C.

As a result, this Court finds that the case in hand squarely falls within the ambit and parameters settled by judicial precedents and hence, FIR No.270 dated 9.10.2019 under Sections 498-A, 406, 420, 467, 468, 471, 120-B IPC registered at Police Station, Civil Lines, Patiala, District

Patiala and all the subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of the compromise. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and their statements recorded before the court below.

Petition stands allowed.

Pending application(s) if any shall also stand disposed of.

A copy of this order be also furnished to the Branch Manager of the concerned bank for further necessary action.

(RAJESH BHARDWAJ)
JUDGE

14.12.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No