

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

\*\*\*

CRM-M-50411-2021

Date of decision : 17.02.2022

Riya Saxena

... Petitioner

Versus

State of Punjab and another

... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKAS BAHL***

Present: Mr.Stephan Masih, Advocate  
for the petitioner.

Mr.Karanbir Singh, AAG, Punjab.

None for respondent no.2.

**VIKAS BAHL, J.(ORAL)**

This is a first petition under Section 482 Cr.P.C. praying for quashing of FIR No.58 dated 16.03.2021 registered under Sections 315 IPC at Police Station Jamalpur, District Police Commissionerate Ludhiana and all other consequential proceedings arising therefrom on the basis of compromise.

On 07.12.2021, this Court was pleased to pass the following order:-

*“This is a petition filed under Section 482 of Cr.P.C. for quashing of FIR No.58 dated 16.03.2021 registered under Section 315 of the Indian Penal Code, 1860 at Police Station Jamalpur, District Police Commissionerate Ludhiana (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise/affidavit dated 27.07.2021 (Annexure P-2).*

*Learned counsel for the petitioner has submitted that in the present case, FIR has arisen on account of*

*matrimonial dispute which has been resolved. He has relied upon **judgment dated 04.12.2014** passed in **CRM-M-30155-2011** titled as **Sarika Jain Vs. State of Haryana and another** passed by the Coordinate Bench of this Court, in which after relying upon the judgment of the Hon'ble Supreme Court in case titled as **B.S. Joshi and others Vs. State of Haryana and another** reported as **2003(2) RCR (Criminal) 888**, the Coordinate Bench was pleased to quash the criminal proceedings registered under Sections 109, 120-B, 312 and 315 of the Indian Penal Code, 1860. Further reliance has also been placed upon the judgment passed by the Jharkhand High Court in case titled **Om Prakash Gupta Vs. State of Jharkhand**, reported as **2014(12) RCR (Criminal) 413**, in which FIR which included the offence under Section 315 of the IPC, was quashed on the basis of compromise.*

*Notice of motion for 27.01.2022.*

*On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Pankaj Bains, Advocate appears on behalf of respondent No.2.*

*The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of one month.*

*The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-*

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*

*5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

In pursuance to the said order, a report has been submitted by the Judicial Magistrate Ist Class, Ludhiana. The relevant portion of the said report is reproduced hereinbelow:-

*“It is respectfully submitted that both the parties suffered Statement in favour of the compromise and stated that they have entered into compromise with each other. From the demeanor of the parties, the compromise between appearing parties appears to be genuine, Point wise report is submitted hereinafter:*

*1. Number of persons arrayed as accused in the FIR;*

*A: It is respectfully submitted that as per FIR, report of police under section 173 Cr.P.C. (Challan) and statement of investigating officer there is one accused namely Riya Saxena.*

*2. Whether any accused is declared as proclaimed offender?*

*A: In this regard, it is respectfully submitted that as per statement of investigating officer and Challan, NONE OF THE ACCUSED person is declared as proclaimed person in this FIR*

*3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.*

*A: In this regard, it is respectfully submitted that in view of the statement suffered by the parties and from their demeanor during preliminary questioning, the COMPROMISE BETWEEN THE PARTIES APPEARS TO BE GENUINE, VOLUNTARY AND OUT OF FREE WILL OF THE PARTIES.*

*4. Whether the accused persons are involved in any other FIR or not.*

*A: In this regard, it is respectfully submitted that as*

*per statement of investigating officer, there is no other criminal case pending against the accused persons.*

*Submitted please.*

*Enclosures:*

- 1. Statement of all the appearing parties.*
- 2. Copies of ID Proofs of parties.*

*Yours faithfully*

*Karan Aggarwal  
Judicial Magistrate Ist Class  
Ludhiana/20.01.2022 ”*

A perusal of the above said report would show that the petitioner and respondent no.2 have appeared and have suffered statements with respect to the compromise, which has been found to be voluntary, genuine, voluntary or out of free will.

Learned counsel for the petitioner has submitted that there is no other FIR against the petitioner and she was not declared proclaimed offender in the present case.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise.

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 petitioner 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

where the High Court feel that the same was 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.58 dated 16.03.2021 registered under Sections 315 IPC at Police Station Jamalpur, District Police Commissionerate Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

**(VIKAS BAHL)**  
**JUDGE**

**February 17, 2022.**  
*Davinder Kumar*