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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-5596-2022 (O&M)  
Date of decision : 06.07.2023

Jagtar Singh & Ors.

... Petitioner(s)

Versus

State Of Punjab & Anr.

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Pradeep Kumar, Advocate for  
Mr. Anil K. Sagar, Advocate for the petitioners.

Mr. Harjinder Singh Sidhu, AAG Punjab  
for respondent No.1.

Mr. Kirat Pal Dhaliwal, Advocate for respondent No.2.

**ALKA SARIN, J.** (ORAL)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of Criminal Complaint bearing No.COMI/133/2015 dated 22.12.2015 registered under Sections 406, 498-A, 506, 323, 354, 120-B, 34 of Indian Penal Code, 1860 at Police Station Ropar (Annexure P-1) and summoning order dated 10.09.2018 passed by Judicial Magistrate 1<sup>st</sup> Class, Rupnagar (Annexure P-2) as well as all the subsequent proceedings arising therefrom, on the basis of compromise dated 29.09.2020 (Annexure P-3).

2. On 10.02.2022 the following order was passed :

*“Heard through video conferencing.*

*Instant petition has been filed under Section 482 Cr.P.C seeking quashing of complaint bearing No.COMI/133/2015 dated 22.12.2015 registered under Sections 406, 498-A, 506, 323, 354, 120-B, 34 of Indian Penal Code, 1860 at Police Station Ropar (Annexure P-1) and summoning order dated 10.09.2018 passed by Judicial Magistrate 1st Class, Rupnagar (Annexure P-2) as well as all the subsequent proceedings arising therefrom, on the basis of compromise dated 29.09.2020 (Annexure P-3).*

*Counsel for the petitioners submits that petitioner No.1 is the husband and petitioners No.2 and 3 are the in-laws of the complainant respondent No.2. He submits that marriage between petitioner No.1 and respondent No.2 was solemnized on 13.05.2013 and a son was born out of the wedlock, but due to temperamental differences between the parties, they could not pull along and have been residing separately since 24.12.2014. Counsel submits that dispute between the parties has been settled by virtue of compromise (Annexure P-3) and pursuant thereto, a decree of divorce by mutual consent has been passed on 16.04.2021 (Annexure P-5). By referring to the compromise and the judgment, counsel submits that the petitioner has paid the entire permanent alimony of Rs.1.35 lacs to the complainant respondent No.2 and it has been agreed that custody of the minor child will remain with her.*

*Notice of motion.*

*On asking of the Court, Mr. P.S.Walia, AAG, Punjab accepts notice on behalf of respondent No.1-State. Upon instructions, he submits that compromise has been effected in a complaint case and the State has no role.*

*Mr. Kirat Pal Dhaliwal, Advocate appears on behalf of the complainant-respondent No.2. He has admitted the factum of compromise as well as submission made by counsel for the petitioners.*

*The parties and Investigating Officer are directed to appear before the Trial Court/Illaq Magistrate on 07.03.2022 or on any date thereafter, as ordered by the Magistrate for getting their statements recorded with regard to the compromise. The Trial Court/Illaq Magistrate shall submit a report specifying the following:-*

- 1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused. Report of Trial Court/Illaq Magistrate be awaited for 05.05.2022. ”*

3. Pursuant to the order dated 10.02.2022, report dated 21.04.2022 of the Civil Judge (Junior Division)-cum-Judicial Magistrate 1<sup>st</sup> Class, Rupnagar, has been received by this Court wherein it has been stated that statements of the parties have been recorded and the parties have stated that they have compromised the matter voluntarily without any threat, pressure, undue influence or fraud and that the complainant/respondent No.2 has no objection to the quashing of the present FIR. Statements of the parties have also been appended with the report.

4. Learned counsel for the petitioners would contend that the complaint was filed on 26.12.2015. Thereafter the parties entered into a compromise and on the basis of the compromise, a petition for divorce by mutual consent was filed under Section 13-B of the Hindu Marriage Act, 1955 and the divorce was also granted vide decree dated 16.04.2021. Learned counsel has further pointed out that in the judgment and decree dated 16.04.2021, it has been noticed in para 5 that all the matters regarding dowry articles had amicably been settled between the parties and the first party i.e. Gurjit Kaur, who is also the complainant, does not claim any maintenance or share in the property.

5. Learned counsel for respondent No.2 on instructions has reiterated that the parties have since compromised the matter and the petition under Section 13-B of the Hindu Marriage Act, 1955 also stands allowed vide decree dated 16.04.2021 and the parties had amicably parted ways.

6. The Apex Court in the case of **Gian Singh vs. State of Punjab & Anr. [2012 (10) SCC 303]** has held as under :

*“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. 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 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, High Court may quash criminal proceedings if in its view, because of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put 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 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 affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”*

7. Learned counsel for the petitioners has also referred to the law laid down by this Court in **Kulwinder Singh & Ors. vs. State of Punjab & Anr. [2007 (3) RCR (Criminal) 1052]** wherein it has been held that even in non-compoundable offences, if the parties have entered into a compromise, this Court has wide powers under Section 482 CrPC to quash the proceedings to prevent abuse of law and secure the ends of justice.

8. In view of the above and keeping in view the report by the Trial Court that the parties have genuinely entered into a compromise and all the disputes between the parties have been resolved, it would not be in the interest of justice to continue the criminal proceedings.

9. Resultantly, Criminal Complaint bearing No.COMI/133/2015 dated 22.12.2015 registered under Sections 406, 498-A, 506, 323, 354, 120-B, 34 of Indian Penal Code, 1860 at Police Station Ropar (Annexure P-1) and summoning order dated 10.09.2018 passed by Judicial Magistrate 1<sup>st</sup> Class, Rupnagar (Annexure P-2) are quashed, including all the subsequent proceedings arising therefrom, on the basis of compromise dated 29.09.2020 (Annexure P-3).

10. The petition is accordingly allowed. Pending applications, if any, also stand disposed off.

06.07.2023  
Yogesh Sharma

( ALKA SARIN )  
JUDGE

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO