

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

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CRM-M-8776-2022

Date of decision: 24.07.2023

JASKARAN SINGH AND ORS.**...Petitioners****VERSUS****STATE OF PUNJAB AND ANOTHER****...Respondents****CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: Mr. Vikas Gupta, Advocate
for the petitioners.

Mr. Harpreet Singh, Additional AG, Punjab.

Mr. Shubham, Advocate for
Mr. Vikasdeep Singh, Advocate
for respondent No.2.

NIDHI GUPTA, J.(ORAL)

The prayer in this petition is for quashing of FIR No.110 dated 01.10.2021 (Annexure P-1) under Sections 498-A and 406 of IPC (Section 120-B of IPC added later on), registered at Police Station Chamkaur Sahib, District Rupnagar and all consequential proceedings arising therefrom on the basis of compromise dated 30.11.2021 (Annexure P-2) arrived at between the parties.

In compliance of order dated 12.09.2022, learned counsel for the petitioners has placed on record a copy of divorce decree under Section 13 (B) of Hindu Marriage Act, 1955 as Annexure P-4, the same is taken on record.

Vide order dated 02.03.2022, this Court had directed the parties to appear before Illaqa Magistrate/trial Court for getting their statements recorded in terms of certain parameters given in the aforesaid order dated

02.03.2022 with regard to the compromise dated 30.11.2021 (Annexure P-2).

In terms of the order dated 02.03.2022 passed by Co-ordinate Bench of this Court, parties have appeared before the Court of Dr. Sushil Bodh, Judicial Magistrate 1st Class, Rupnagar and as per her report dated 17.05.2022 submitted to this Court, both the parties have got recorded their respective statements in Court.

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

Learned counsel for the petitioners has further submitted that the petitioners were not declared proclaimed offenders in the present case and all the accused are a party to the compromise.

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

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the Illaqa Magistrate, this Court finds that the matter has been amicably settled between the petitioners and the complainants. 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 compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is 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 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.”

In view of what has been discussed hereinabove, this petition is allowed and FIR No.110 dated 01.10.2021 (Annexure P-1) under Sections 498-A and 406 of IPC (Section 120-B of IPC added later on), registered at Police Station Chamkaur Sahib, District Rupnagar along with all other

consequential proceedings arising therefrom on the basis of compromise,
are ordered to be quashed qua the petitioners.

Petition stands disposed of.

July 24, 2023
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(NIDHI GUPTA)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No