

**CRM-M-13317-2023 (O&M) and
CRM-M-11008-2023 (O&M)**

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Neutral Citation No. 2023:PHHC:136818

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

266

CRM-M-13317-2023 (O&M)
Date of decision:- 18.10.2023

Om Parkash Julka and another

... Petitioners

Vs.

State of Punjab and another

...Respondents

266(2)

Neutral Citation No. 2023:PHHC:136821

CRM-M-11008-2023 (O&M)

Parkash Julka

... Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Seema Arora, Advocate for the petitioners.

Mr. H.S.Sullar, Senior DAG, Punjab.

Ms. Alka Sharma, complainant in person.

Manisha Batra, J. (Oral)

This common order shall dispose of the above two petitions.

Both these petitions have been filed under Section 482 of the Code of Criminal Procedure for quashing FIR No. 416, dated 20.07.2021 registered under Sections 417, 498-A read with Section 34 of IPC at Police Station Zirakpur, District SAS Nagar (Mohali) along with all consequential proceedings arising therefrom, on the basis of compromise deed dated 27.02.2023 (Annexure P-3) arrived at between the parties.

2. Vide separate order passed in CRM-M-13317-2023 on 17.03.2023 and order dated 03.03.2023 as passed in CRM-M-11008-2023, the parties were directed to appear before learned trial Court/Duty Magistrate to get their statements recorded with regard to the genuineness of the compromise. A report has been submitted by the Judicial Magistrate Ist Class, Dera Bassi to the effect that the statements of the petitioners and respondent No.2 have been recorded on 17.04.2023 and as per his opinion the compromise effected between the parties is genuine, valid, voluntary and without any coercion or undue influence. The petitioners are not proclaimed persons.

3. Learned State counsel as well as respondent No.2, who is present in Court have not disputed the fact that settlement have been arrived at between the parties with an intention to give burial to their differences.

4. I have heard learned counsel for the parties and have perused the record.

5. It is well settled that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of

justice. Such power is not confined to matrimonial disputes alone. In this regard, reference can be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052***. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases relating to 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. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgment cited as ***Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543***.

6. In view of the discussion as made above, it is observed that since the parties have arrived at a compromise and have decided to live in peace, no useful purpose would be served in allowing the criminal proceedings to continue. Therefore, the present petition is allowed and FIR No. 416, dated 20.07.2021 registered under Sections 417, 498-A read with Section 34 of IPC at Police Station Zirakpur, District SAS Nagar (Mohali) and all the subsequent proceedings arising therefrom, are ordered to be

quashed qua the petitioners.

7. Photocopy of this order be placed on the file of connected case.

**(MANISHA BATRA)
JUDGE**

18.10.2023
pooja saini

<i>Whether speaking/reasoned</i>	: Yes/No
<i>Whether reportable</i>	: Yes/No