

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

CRM-M-17742-2023

Date of Decision: October 13, 2023

Joginder Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ajitpal Singh Sabharwal, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Jasraj Singh, Advocate,
for respondent no.2.

Vivek Puri, J.

1. The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short ('Cr.P.C.)) invoking its inherent jurisdiction for quashing of F.I.R. No. 13, dated 25.02.2011, registered under Sections 406, 498-A of the Indian Penal Code (for short 'IPC'), at Police Station Haryana, Hoshiarpur and all other consequential proceedings arising therefrom, as well as, judgment and order dated 03.01.2018 passed by the Court of learned Judicial Magistrate First Class, Hoshiarpur vide which the petitioner has been convicted and sentenced, on the basis of compromise dated 10.08.2022 (Annexure P-2).

2. On 17.04.2023, the parties were directed to appear before the learned Illaqa/Duty Magistrate for recording statements of the parties regarding compromise and it was further directed that after recording their statements, the learned Court shall send a report regarding the genuineness of the compromise.

3. In compliance of the order dated 17.04.2023, the learned Judicial Magistrate First Class, Hoshiarpur has sent its report and the relevant portion thereof is reproduced as following:-

“Therefore, in light of the statements suffered by the parties and as per the terms of the compromise effected between them, it appears that the parties had entered into a genuine compromise as per their free will and without any undue influence.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent no.2 on 23.02.2003 and no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2). At the earlier instance, the petitioner was convicted under Section 498A IPC and sentenced to undergo RI for a period of 2 years and to pay a fine of Rs. 500/-. In default of payment of fine, to further undergo for one week vide judgment dated 03.01.2018 passed by the Court of learned Judicial Magistrate First

Class, Hoshiarpur. The appeal preferred by the petitioner is pending before the Court of learned Sessions Judge, Hoshiarpur. The marriage of the petitioner and respondent no.2 has been dissolved by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 25.05.2023 passed by the learned Family Court, Hoshiarpur. The entire permanent alimony and istridhan has been settled. Co-accused, namely, Harjit Singh and Gurdeep Kaur have already been acquitted in terms of judgment dated 03.01.2018. No other case is pending between the parties.

5. After hearing the learned counsel for the parties and going through record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise (Annexure P-2). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

6. For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and**

others (2012) 10 SCC 303 and Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466.

7. In the decision rendered in **Sube Singh and another Vs. State of Haryana and another, 2013 (4) R.C.R. (Criminal) 102**, the Division Bench of this Court has laid down as following:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

8. Furthermore, in the decision rendered in **Ramgopal and another Vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322**, it has been held by the Supreme Court that non compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

9. The matrimonial dispute has been amicably settled between the parties. In such circumstances, the

compromise will go a long way in maintaining cordial and harmonious relations between the parties.

10. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, F.I.R. No. 13, dated 25.02.2011, registered under Sections 406, 498-A IPC, at Police Station Haryana, Hoshiarpur, and all other consequential proceedings arising therefrom, as well as, judgment and order dated 03.01.2018 passed by the Court of learned Judicial Magistrate First Class, Hoshiarpur vide which the petitioner has been convicted and sentenced, are ordered to be quashed. The petitioner is acquitted and fine, if any, deposited be refunded. Furthermore, the appeal preferred by the petitioner against the judgment of conviction and order of sentence dated 03.01.2018 would be rendered infructuous and shall be so declared by the learned Sessions Judge where the appeal is pending.

11. Resultantly, with the above-said observations made, the instant petition stands allowed.

October 13, 2023
vkd

[Vivek Puri]
Judge

Whether reasoned / speaking : Yes / No
Whether reportable : Yes / No