

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-19592-2022(O&M)
Date of Decision:06.11.2023

ASHA RANI & ANR.

...Petitioners

Versus

STATE OF PUNJAB & ORS.

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Komal Preeti Kaur, Advocate
for the petitioners.

Mr. Kunwarbir Singh, A.A.G., Punjab
for respondent No.1.

Mr. Ritesh Pandey, Advocate
for respondents No.2 and 3.

MANISHA BATRA, J. (Oral)

The present petition has been filed by the petitioners, who are parents in law of the respondent No.3, seeking quashing of FIR No. 46 dated 19.04.2016 registered under Section 498-A read with Section 34 of IPC registered at Police Station City Gurdaspur (Annexure P-1) and the consequential proceedings arising therefrom.

The aforementioned FIR had been got registered on the basis of complaint filed by the complainant-respondent No.2-Ram Lal alleging therein that his daughter i.e. respondent No.3-Menka was married with Gourav Keshav on 13.02.2015 at Gurdaspur. The present petitioners, who are her parents in law and her husband, were not happy with the dowry as given at the time of her marriage of the daughter of the complainant. They had raised demand of a Verna Car which could not be fulfilled by the complainant. The husband of respondent No.3 had left for Canada shortly after the marriage as he was working there and was having permanent residency. The petitioners and other

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members of her in laws family of the respondent No.3 started harassing her and subjecting her to cruelty. The complainant had paid an amount of Rs. 3.5 lacs to them in the September 2015. His daughter was extended beatings on 30.10.2015 and was thrown out of her matrimonial house. After registration of FIR, investigation proceedings were initiated. It is submitted that the present petitioners, who are parents in law of respondent No.3, are facing trial for commission of offence punishable under Section 498-A read with Section 34 of IPC before learned Trial Court.

It is submitted by the petitioners that a compromise has been arrived at between the respondents No.2 and 3 and the present petitioners as per which, respondents No.2 and 3 have agreed to quash the present FIR which has been registered against the present petitioners as well as their son.

Vide order dated 30.05.2023, this Court had given direction to the petitioners and respondent No.2 and 3 to record their statement before learned Trial Court with further direction to the learned trial Court to submit a report before this Court. The learned Trial Court has sent its report as per which the statements of respondent No.2 and 3 had been recorded on 12.06.2023 and both of them have no objection if the FIR, in the instant case, is quashed. The petitioners are also shown to have made a joint statement to the same effect before the concerned Court on the same date.

On the basis of these statements, it is submitted by learned Magistrate that the compromise effected between the parties is genuine, out of free Will and voluntary. It is also submitted that Gourav Keshav who is son of the present petitioners has not been arrested in this case.

I have heard learned counsel for the parties and besides perusing the report by learned Chief Judicial Magistrate, Gurdaspur, have also perused the record.

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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 judgments cited as ***Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466***.

In view of the proposition as settled in the aforementioned cases, this Court finds that the continuation of proceedings qua the present petitioners would be an abuse of process of the Court in the facts and circumstances of the present case which squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of the petitioners by quashing the FIR qua them only would be securing the ends of justice,

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which is primarily the object of legislature enacted under Section 482 of Cr.P.C. It is relevant to mention here that though Gourav Keshav who is son of the petitioners is also named as an accused in the FIR and he has not been arrested and challaned in this case. It is settled proposition of law that partial quashing of and FIR can be ordered on the basis of compromise.

Reliance in this regard can be placed upon **Jai Raj Singh Digvijay Singh Rana vs State of Gujrat & Anr. 2012 (4) Recent Apex Judgments (R.A.J) (586)** wherein the Hon'ble Supreme Court had allowed quashing of proceedings qua one of the three accused persons on the basis of the compromise. Relaince can further be placed upon order dated 08.09.2022 passed by a Co-ordinate Bench of this Court in **CRM-M-31701-2022 (O&M) titled as Rajbeer Singh @ Rajbir Singh @ Ravi and Ors. Vs State of Punjab** wherein partial quashing of FIR registered under Section 148, 323, 341, 336 and 506 of IPC read with Section 25 of Arms Act had been allowed qua some of the accused.

Accordingly, the petitioner is allowed and the FIR No. 46 dated 19.04.2016 registered under Section 498-A read with Section 34 of IPC registered at Police Station City Gurdaspur (Annexure P-1) and the consequential proceedings arising therefrom, are order to be quashed qua the petitioners only on the basis of compromise dated 19.10.2021 (Annexure P-2).

Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before learned Judicial Magistrate.

November 06, 2023

himanshu

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No