

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21047-2022 (O&M)
Date of Decision : 17.07.2023

Rishi Dev Singh Puri and AnotherPetitioners

VERSUS

State of Punjab and AnotherRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pawandeep Singh, Advocate for the petitioners.

Mr. Adhiraj Singh, AAG Punjab for respondent No.1.

Mr. Neeraj Januha, Advocate for
Mr. B.D. Sharma, Advocate for the complainant.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.100 dated 29.10.2019 registered under Sections 406, 498-A of the Indian Penal Code, 1860 (for short 'IPC') at Police Station Women Cell, Jalandhar, Punjab and all subsequent proceedings arising out of the said FIR, on the basis of compromise/affidavit dated 03.03.2022 (Annexure P-4).

2. On 18.07.2022 the following order was passed :

*“Mr. Neeraj Januha, Advocate has put in
appearance on behalf of complainant-respondent No.2
and has filed Vakalatnama, which is taken on record.*

Counsel for the petitioners submits that petitioner No.1 is the husband and petitioner No. 2 is the mother-in-law of complainant respondent No.2. He submits that marriage of petitioner No.1 took place with complainant-respondent No.2 on 06.02.2018 and no issue born out of the wedlock. He submits that FIR, Annexure P-1, as well as a petition under Section 125 Cr.P.C. filed at the behest of complainant-respondent No.2, are an outcome of a matrimonial dispute, which stands settled. Counsel submits that in terms of the compromise arrived at before the Mediation and Conciliation Centre of this Court, a petition seeking divorce by mutual consent has been filed, statement of first motion has been recorded on 04.04.2022 and second motion is to be recorded in October, 2022. Still further, he submits that petitioner No.1 is to pay Rs.10 lacs as permanent alimony, out of which half the amount has been paid and the balance is to be paid at the time of recording of second motion.

Upon instructions received from ASI, Lakhwinder Singh, State counsel submits that the allegations levelled in the FIR are being investigated.

Counsel representing complainant-respondent No.2 has admitted the factum of compromise and the developments brought to the notice by the counsel for the petitioners.

The parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 02.08.2022 or on any date thereafter as fixed by the trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing 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 the Area Magistrate/Trial Court be awaited for 28.10.2022.”

3. Learned counsel for the petitioners would contend that the parties have since appeared before the concerned Court and got their statements recorded. Learned counsel for the petitioners has also pointed out that the marriage stands dissolved under Section 13-B of the Hindu Marriage Act, 1955.

4. Learned counsel appearing on behalf of respondent No.2 has reiterated that the parties have since compromised the matter and their statements to this effect have since been recorded and that the marriage also stands dissolved under Section 13-B of the Hindu Marriage Act, 1955.

5. Pursuant to the order dated 18.07.2022, report dated 05.08.2022 of the Judicial Magistrate, Ist Class, Jalandhar has also been received by this Court wherein it has been stated that the compromise entered into between the parties is genuine.

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 as also the fact that the marriage between the parties also stands dissolved under Section 13-B of the Hindu Marriage Act, 1955, it would not be in the interest of justice to continue the criminal proceedings.

9. Resultantly, FIR No.100 dated 29.10.2019 registered under Sections 406, 498-A of the Indian Penal Code, 1860 (for short ‘IPC’) at Police Station Women Cell, Jalandhar, Punjab is quashed, including all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 03.03.2022 (Annexure P-4).

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

July 17, 2023
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(ALKA SARIN)
JUDGE

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