

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

265(2cases)

CRM-M-21132-2023(O&M)

Date of Decision: 23.11.2023

KULWANT KAUR AND ORS

...Petitioners

Versus

STATE OF PUNJAB AND ANR

...Respondents

CRM-M-21587-2023(O&M)

Date of Decision: 23.11.2023

GURPREET SINGH AND ANR

...Petitioners

Versus

STATE OF PUNJAB AND ANR

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vishal Munjal, Advocate
For the petitioners.

Mr. ShubhamKaushik, AAG, Punjab.

Mr. Vijay Kumar, Advocate
for the Respondent-Complainant.

MANISHA BATRA, J. (Oral)

1. This order shall dispose of the aforementioned petitions filed under Section 482 of Cr.P.C. of Code of Criminal Procedure for quashing of a common complaint No.COMI.35/2018 titled as ***Baljit Singh Vs. Gurpreet Singh & Ors.*** as pending in the Court of learned Judicial Magistrate 1st Class, Mukerian and the proceedings subsequently arisen therefrom, on the basis of a compromise dated 10.03.2023 (Annexure P-3).

2. It is submitted by counsel for the petitioner that a compromise has been arrived at between the parties and they have resolved their *inter sedispute*, which was reduced into writing as compromise dated 10.03.2023 annexed with the present petition as Annexure P-3.

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3. On the basis of said compromise, the petitioner have prayed for quashing of the aforesaid complaint and all the subsequent proceedings on the ground that continuation of such proceedings would be a futile exercise.

4. This Court vide order dated 04.10.2023 had again directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the genuineness of the compromise stated to have been arrived at between them. The trial Court/Illaq Magistrate was also directed to send his/her report along with the said statements.

5. Pursuant to the aforesaid order, The District and Sessions Judge has sent report endorsement No.22492 dated 10.11.2023 to this Court along with statements of respondent-Complainant-Baljit Singh and petitioners-accused-namely KulwantKaur, Jaskaran Singh, Narinder Singh, Gurpreet Singh (through S.P.A.) and AmrinderKaur (through S.P.A.) were recorded on 16.10.2023, whereas statement of Investigating Officer ASI Ramesh Kumar No.1037/HPR as recorded on 02.11.2023.

6. On the basis of these statements, it is submitted by learned Magistrate that the compromise effected between the parties is genuine, out of free volition and without any coercion or undue influence of any person. It is also mentioned in the report that apart from the petitioners, there is no other accused in the FIR and that the accused have not been declared proclaimed persons in this case.

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

8. 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

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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***.

9. In view of the proposition as settled in the aforementioned cases, this Court finds that continuation of proceedings would be an abuse 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 of the FIR would be securing the ends of justice, which is primarily the object

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is allowed and Complaint No.COMI.35/2018 dated 07.05.2018 under Sections 498-A, 406 and 149 of IPC registered by the Learned JMIC, Mukerian, District Hoshiarpur and all the subsequent proceedings arising therefrom are ordered to be quashed on the basis of compromise dated 10.03.2023 (Annexure P-3).

10. 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.

11. Photocopy of this order be placed on the file(s) of connected matter(s).

November 23, 2023 <i>himanshu</i>	(MANISHA BATRA) JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No