

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.24925 of 2023
Date of Decision: 17.10.2023

Vipan Kumar @ Bittu and others ... Petitioners

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manoj Kumar, Advocate,
for the petitioners.

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

Mr. M.S. Bhatti, Advocate,
for Mr. Ram K.Dhiman, Advocate,
for respondent No.2.

MANISHA BATRA, J.(Oral)

Prayer has been made by the petitioners in the present petition for quashing of FIR No.0169 dated 25.05.2022 registered under Sections 406 and 498-A of IPC at Police Station Derabassi, District SAS Nagar, Mohali and all the subsequent proceedings arising therefrom, on the basis of compromise effected between the parties.

Vide order dated 17.05.2023, the parties were directed to appear before the learned trial Court to get their statements recorded with regard to genuineness and validity or otherwise of the compromise.

A report has been submitted by the learned Sub-Divisional Judicial Magistrate, Dera Bassi to the effect that the statements of the petitioners and respondent No.2 had been recorded on 25.09.2023 and that their statements reveal that they have voluntarily entered into a

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compromise which is genuine and without any coercion or undue influence.

Learned counsel for the petitioners submits that the petitioners are not proclaimed persons and they do not have criminal antecedents as no other trial is pending against them.

Learned counsel for respondent No.2 and learned State counsel have also not disputed this fact.

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

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

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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.

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.0169 dated 25.05.2022 registered under Sections 406 and 498-A of IPC at Police Station Derabassi, District SAS Nagar, Mohali and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioners.

17.10.2023
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(MANISHA BATRA)
JUDGE

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