

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-25353-2023 (O&M)

Date of decision: 20.09.2023

Balwinder Singh @ Rinku & Others

...Petitioner(s)

Vs.

State of Punjab & Another

...Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Tejinder Pal Singh, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG Punjab.

Mr. G.B.S. Gill, Advocate
for respondent No.2.

NIDHI GUPTA, J.

CRM-34790-2023

This is an application under Section 482 Cr.P.C. for placing on record copy of judgment dated 30.05.2023 (Annexure P7).

After going through the contents of the application, the same is allowed and Annexure P7 is taken on record.

MAIN CASE

The prayer in this petition is for quashing of FIR No.123 dated 05.09.2015 (Annexure P-1) under Section 498-A IPC (Section 406 IPC added later on) registered at Police Station Moonak, District Sangrur and all consequential proceedings arising there from on the basis of compromise dated 28.04.2023 (Annexure P-2) arrived at between the parties.

Vide order dated 18.05.2023 this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 18.05.2023 with regard to the compromise dated 28.04.2023 (Annexure P-2).

As per report of learned Judicial Magistrate, 1st Class, Moonak (Sangrur), petitioners had appeared before him for recording of statements however, respondent No.2/complainant was not present.

Vide judgment dated 30.05.2023 passed by learned Additional Principal Judge, Family Court, Sangrur (Annexure P7), marriage between the parties stand dissolved with effect from 30.05.2023.

Learned counsel for the petitioners has submitted that the petitioners were not declared proclaimed offenders in the present case. It is submitted that the petitioners have fulfilled their part of the terms and conditions of the compromise dated 28.04.2023 (Annexure P2).

Learned counsel for respondent No.2 is unable to deny the established legal position enunciated by Hon'ble Supreme Court in case titled as **“Ruchi Agarwal Vs. Amit Kumar Agrawal”**: Law Finder Doc ID # **78949** and by this Court in case titled as **“Nishan Singh Vs. State of Punjab and another”**: Law Finder Doc ID # **1316381** and **“Krishan Singh and others Vs. State of Punjab and another”**: Law Finder Doc ID # **1719062**, wherein it has been held that once compromise has been effected between husband and wife and the wife backs out of compromise, proceedings under FIR are liable to be quashed.

Learned State Counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the case file and report submitted by the Illaqa Magistrate, this Court finds that the matter has been amicably settled between the petitioners and the complainant. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in **“Kulwinder Singh and others Vs State of Punjab”, 2007 (3) RCR (Criminal) 1052**, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of **“Gian Singh Vs. State of Punjab and another”, 2012 (4) RCR (Criminal) 543**, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The

relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“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 view of what has been discussed hereinabove, this petition is allowed and FIR No.123 dated 05.09.2015 (Annexure **P-1**) under Section 498-A IPC (Section 406 IPC added later on) registered at Police Station Moonak, District Sangrur along with all other consequential proceedings arising therefrom on the basis of compromise, is ordered to be quashed qua the petitioners.

Petition stands disposed of.

Pending application(s) if any also stand(s) disposed of.

20.09.2023
Sunena

(Nidhi Gupta)
Judge

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