

CRM-40376-2023 in/and
CRM-M-28792-2023

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2023:PHHC:129946

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-40376-2023 in/and
CRM-M-28792-2023

Date of Decision: 05.10.2023

Bag Singh and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Barjinder Singh, Advocate for the applicant-petitioners.

Mr. Shubham Kaushik, AAG, Punjab

Ms. Bhupinder K. Bhangu, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

CRM-40376-2023

Prayer in this application filed under Section 482 Cr.P.C. is
for preponing the date of hearing in the main case from 07.11.2023 to an
early date and for disposal of the main petition in view of the statements
of the parties as per compromise.

Heard.

For the reasons mentioned in the application the same is
allowed. The date of hearing in the main petition is preponed from

07.11.2023 to today itself.

CRM-M-28792-2023

With the consent of learned counsel for the parties, the case is taken up for final disposal.

The petitioner has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 006 dated 21.06.2019 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station NRI Patiala, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 22.05.2023 (Annexure P-2).

Pursuant to the order dated 01.06.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Patiala, to get their statements recorded. Learned Judicial Magistrate Ist Class, Patiala, has submitted his report along with copies of statements of the parties vide letter dated 08.08.2023 duly forwarded by the learned District and Sessions Judge, Patiala.

A perusal of the above said report would show that the petitioners and respondent No. 2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioners submits that 03 persons, namely, Satnam Singh/son of the petitioners herein/husband of respondent No. 2-complainant, and Bag Singh and Balwinder Kaur (petitioners herein) were named in the FIR in question. However,

Satnam Singh/husband of respondent No. 2-complainant is residing abroad and, therefore, he is not a party to the compromise dated 22.05.2023 (Annexure P-2). It is submitted that the petitioners in the present case are parents-in-law of respondent No. 2-complainant and they are party to the aforesaid compromise. They have never been declared as proclaimed offender.

The Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589***, has held that partial quashing of the FIR is permissible on the basis of compromise.

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 report submitted by the concerned 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 here-in-below:-

“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.”

The High Court of Delhi in ***Crl. M.C. 1741/2021, Sunil Tomar vs. The State of NCT of Delhi and another***, decided on **12.04.2022**, has held that partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be

appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties.

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 006 dated 21.06.2019 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station NRI Patiala, District Patiala, along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioners only.

05.10.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No