

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

Date of Decision: December 06, 2023

1. CRM-M-31753-2023

Mohanpreet Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

2. CRA-S-2287-2019

Netar Singh and others

... Appellants

Versus

State of Punjab

... Respondent

3. CRA-AS-230-2019

Parminderjeet Kaur

... Appellants

Versus

State of Punjab and others.

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jaideep Verma, Advocate,
for the petitioners/appellants
(in CRM-M-31753-2023 & CRA-S-2287-2019)
for the respondents no. 2 to 4
(In CRA-AS-230-2019)

Mr. Amish Sharma, AAG, Punjab.

Mr. Avtar Singh Syan, Advocate,
for the appellant in CRA-AS-230-2019)
for respondent no.2 (in CRM-M-31753-2023)

Vivek Puri, J.

1. In CRM-M-31753-2023, the petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short ('Cr.P.C.)) invoking its inherent jurisdiction for quashing of F.I.R. No. 107, dated 18.11.2013, registered under Section 328, 406, 498-A, 34 of the Indian Penal Code (for short 'IPC'), at Police Station Dugri, Ludhiana and all other consequential proceedings arising therefrom, as well as, judgment and order dated 29.07.2019 passed by the Court of learned Additional Sessions Judge, Ludhiana vide which the petitioners have been convicted under Section 498-A read with 34 IPC and sentenced, on the basis of compromise dated 24.01.2023 (Annexure P-4).

2. In CRA-S-2287-2019, the appellants/petitioners have assailed the judgment of conviction and order of sentence dated 29.07.2019 passed by the Court of learned Additional Sessions Judge, Ludhiana, vide which the appellants have convicted under Section 498-A read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.10,000/- each and in default whereof, to further undergo rigorous imprisonment for a period of two months.

3. In CRA-AS-230-2019, the appellant/complainant has assailed judgment of dated 29.07.2019 vide which the

respondents no. 2 to 4 have been acquitted with regard to the commission of offence under Section 328, 406 read with Section 34 IPC.

4. All the three aforesaid matters have been listed together for hearing as the same have arisen out of one FIR and are being decided by a common judgment.

5. On 09.10.2023, the parties were directed to appear before the learned Illaqa Magistrate/Trial Court for recording statements of the parties regarding compromise and it was further directed that after recording their statements, the learned Court shall send a report regarding the genuineness of the compromise.

6. In compliance of the order dated 09.10.2023, the learned Judicial Magistrate First Class, Ludhiana, has sent its report and the relevant portion thereof is reproduced as following:-

“1. FIR has been registered against four accused persons namely Mohanpreet Singh, Netar Singh, Paramjit Kaur and Simranjit Kaur.

2. No accused has been declared proclaimed person in this FIR.

3. The compromise is genuine, voluntary and without any coercion or undue influence.

4. As per report of Investigating Officer, accused/petitioners are not involved in other FIR.

5. *There is only one complainant namely Parminderjit Kaur and she has got recorded her statement qua the compromise.”*

7. Learned counsel for the petitioners contend that in terms of judgment of conviction and order of sentence dated 29.07.2019 passed by the Court of learned Additional Sessions Judge, Ludhiana, the petitioners have been convicted under Section 498-A read with Section 34 IPC and sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.10,000/- each and in default whereof, to further undergo rigorous imprisonment for a period of two months. The petitioners preferred an appeal bearing CRA-S-2287-2019 against the aforesaid judgment of conviction and order of sentence dated 29.07.2019. The complainant also preferred an appeal bearing CRA-AS-230-2019 assailing the aforesaid judgment as the petitioners were acquitted with regard to offences under Sections 406 and 328 IPC read with Section 34 IPC.

8. Learned counsel for the petitioners further submits that the marriage of petitioner no.1 was solemnized with respondent no.2 on 13.11.2011 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise dated 24.01.2023 (Annexure P-4). The marriage of the petitioner no.1 and respondent no.2 has been dissolved by mutual consent under Section 13-B of the

Hindu Marriage Act in terms of the judgment and decree dated 09.10.2023 passed by the learned Family Court, Ludhiana. A sum of Rs. 6 lakhs has been paid by the petitioner no.1 to respondent no.2 on account of permanent alimony. The respondent no.2 has received all her articles of istridhan and nothing is due payable to her by the petitioner. The parties have agreed to withdraw the other cases instituted by them against each other.

9. After hearing the learned counsel for the parties and going through record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at an out of the Court settlement by way of compromise (Annexure P-4). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

10. For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303** and **Narinder Singh and others Vs. State of Punjab and another 2014(6)SCC 466**.

11. In the decision rendered in **Sube Singh and another Vs. State of Haryana and another, 2013 (4)**

R.C.R. (Criminal) 102, the Division Bench of this Court has laid down as following:-

“17. The magnitude of inherent jurisdiction exercisable by the High Court under Section 482 Criminal Procedure Code with a view to prevent the abuse of law or to secure the ends of justice, however, is wide enough to include its power to quash the proceedings in relation to not only the non-compoundable offences notwithstanding the bar under Section 320 Criminal Procedure Code but such a power, in our considered view, is exercisable at any stage save that there is no express bar and invoking of such power is fully justified on facts and circumstances of the case.”

12. Furthermore, in the decision rendered in **Ramgopal and another Vs. State of Madhya Pradesh, 2021(4) R.C.R. (Criminal) 322**, it has been held by the Supreme Court that non compoundable criminal cases of pre-dominantly private nature can be quashed under Section 482 Cr.P.C. even if compromise is reached after conviction.

13. The matrimonial dispute has been amicably settled between the parties. In such circumstances, the compromise will go a long way in maintaining cordial and harmonious relations between the parties.

14. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons

aforementioned and to secure the ends of justice, F.I.R. No. 107, dated 18.11.2013, registered under Section 328, 406, 498-A, 34 of the IPC, at Police Station Dugri, Ludhiana and all other consequential proceedings arising therefrom, as well as, judgment and order dated 29.07.2019 passed by the Court of learned Additional Sessions Judge, Ludhiana vide which the petitioners have been convicted and sentenced, are ordered to be quashed. The petitioners are acquitted and fine, if any, deposited be refunded. Furthermore, the appeals bearing CRA-S-2287-2019 preferred by the petitioners/appellants and CRA-AS-230-2019 preferred by the complainant/respondent no.2 against the judgment of conviction and order of sentence dated 29.07.2019 have been rendered infructuous.

15. Resultantly, with the above-said observations made, all the three cases i.e. CRM-M-31753-2023, CRA-S-2287-2019 and CRA-AS-230-2019 stand disposed of.

December 06, 2023
vkd

[Vivek Puri]
Judge

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