

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

CRM-M-39863-2021

Date of Decision: September 19, 2023

Rajan Mittal and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sylvester Stephen, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Rahul Kumar Gupta, Advocate,
for respondent no.2.

Vivek Puri, J.

1. 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. 55, dated 19.12.2011, registered under Sections 406, 498-A of the Indian Penal Code (for short 'IPC'), at Police Station Women, Patiala and all other consequential proceedings arising therefrom, as well as, judgment and order dated 28.11.2017 passed by the Court of learned Judicial Magistrate First Class, Patiala vide which the petitioners have been convicted and sentenced, on the basis of compromise dated 18.08.2021 (Annexure P-3).

2. On 19.01.2023, the parties were directed to appear before the learned Illaqa/Duty Magistrate 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.

3. In compliance of the order dated 19.01.2023, the learned Judicial Magistrate First Class, Patiala has sent its report and the relevant portion thereof is reproduced as following:-

“i) There are two accused nominated in the FIR and accused have not been declared proclaimed offender nor any such proceedings have been initiated or pending against them.

ii) The compromise arrived between the parties is genuine, voluntary in nature and without any coercion or undue influence.

iii) Statement of IO recorded and as per his statement the accused are not involved in any other FIR.”

4. Learned counsel for the petitioners contend that the marriage of the petitioner no.1 was solemnized with respondent no.2 on 16.04.2002 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-3). At the earlier instance, the petitioners were convicted under Sections 406, 498A IPC and sentenced to undergo RI for a period of 2 years each and to pay a fine of Rs. 1000/- each. In default of payment of fine, to further undergo SI for one month each vide

judgment dated 28.11.2017 passed by the Court of learned Judicial Magistrate First Class, Patiala. The appeal preferred by them is pending before the Court of learned Additional Sessions Judge, Patiala. The marriage of the petitioner no.1 and respondent no.2 has been dissolved in terms of the judgment and decree dated 01.02.2014. The petitioner no.1 has paid a sum of Rs. 11 lakhs on account of permanent alimony to the respondent no.2. The custody of the minor child shall remain with the respondent no.2.

5. 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-3). The compromise is genuine one and has been voluntarily executed by the parties without any pressure or undue influence.

6. For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, upheld 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**.

7. 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.”

8. 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.

9. 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.

10. 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. 55, dated 19.12.2011, registered under Sections 406, 498-A IPC, at Police Station Women, Patiala and all other consequential proceedings arising therefrom, as well as, judgment and order dated 28.11.2017 passed by the Court of learned Judicial Magistrate First Class, Patiala 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 appeal preferred by the petitioners against the judgment of conviction and order of sentence dated 28.11.2017 would be rendered infructuous and shall be so declared by the learned Additional Sessions Judge where the appeal is pending.

11. Resultantly, with the above-said observations made, the instant petition stands allowed.

September 19, 2023
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking	:	Yes / No
Whether reportable	:	Yes / No