

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**263****CRM-M-36170-2023 (O&M)****Date of order: 04.10.2023****Manjeet Kumar & Others****.....Petitioner(s)****Vs.****State of Haryana & Another****.....Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Ashok K. Sharma Bhana, Advocate
for the petitioners.

Ms. Deep Shikha Chauhan, AAG Haryana.

Mr. Sumit Sharma, Advocate
for respondent No.2.

Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.32 dated 19.03.2020 (Annexure **P-1**) under Sections 323, 34, 354, 354-A and 498-A IPC (Sections 354 and 354-A deleted later on) registered at Police Station Women, Jind and charge sheet dated 13.12.2021 under Sections 498-A, 323 and 34 IPC (Annexure P2) on the basis of petition filed under Section 13-B of Hindu Marriage Act (Annexure P3) and affidavit of respondent No.2 dated 21.07.2023 (Annexure P4).

Learned State Counsel files status report by way of affidavit of Ravi Khundia, Deputy Superintendent of Police, Jind – Detective, District Jind dated 28.09.2023, which is taken on record and copy of the same is supplied to counsel opposite.

Vide order dated 27.07.2023 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 27.07.2023 with regard to the compromise.

In terms of the order dated 27.07.2023 passed by this Court parties have appeared before the Court of learned Chief Judicial Magistrate, Jind and as per her report dated 08.08.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

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 has submitted that the petitioners were not declared proclaimed offenders in the present case and all the accused are a party to the compromise. It is further submitted that even divorce under Section 13-B of Hindu Marriage Act, 1955 has been granted by learned Additional District and Sessions Judge, Principal Judge, Family Court, Jind vide order dated 05.08.2023 and total alimony of Rs.16 lakh has also been paid to respondent No.2.

Learned State Counsel and learned counsel for respondent No.2 do not dispute the above said facts.

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

Learned counsel for respondent No.2 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

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

After perusing the 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.32 dated 19.03.2020 (Annexure **P-1**) under Sections 323, 34, 354, 354-A and 498-A IPC (Sections 354 and 354-A deleted later on) registered at Police Station Women, Jind and charge sheet dated 13.12.2021 under Sections 498-A, 323 and 34 IPC (Annexure P2), are ordered to be quashed qua the petitioners.

Petition stands disposed of.

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

04.10.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No