

By way of the instant petition, the petitioners have sought the quashing of the FIR bearing No.0011 dated 11.03.2023 registered at Police Station Women, District SAS Nagar, under Sections 406 and 498-A IPC as well as all the other subsequent proceedings arising therefrom, while averring that the parties have arrived at an amicable settlement/compromise in respect of their dispute in the present case.

Learned counsel appearing for the petitioners, inter-alia, contends that the subject FIR had been got registered due to the dispute arisen out of some misunderstanding between the petitioners and respondent No.2 and with the intervention of the respectables, they have settled/resolved the dispute amicably and the said compromise would promote peaceful, harmonious and cordial relations between the parties.

Notice of motion.

Mr. Iqbal Singh Mann, learned Deputy Advocate General, Punjab, who has appeared on behalf of respondent No.1 in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice.

At this stage, Mr. Vikas Kumar Gupta, Advocate, has also put in appearance on behalf of respondent No.2-complainant in this case and has submitted his Power of Attorney in the Court today and the same is taken on the record. He accepts the notice on behalf of the said respondent and also admits the factum of the compromise having been arrived at between the parties.

Accordingly, the private parties are directed to appear before the Illaqa Magistrate/trial Court on 10.10.2023 for recording their statements in respect of the compromise stated to have been arrived at between them. The Illaqa Magistrate/trial Court shall submit the report on or before 05.12.2023 specifying therein the following:-

- 1. the number of the accused arraigned in the FIR and how many of them have appeared and have made statements qua the compromise:*
- 2. whether any accused is absconding or has been declared PO/Proclaimed Person in this case:*
- 3. the name(s) of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*

4. the stage of the trial/proceedings;

5. whether the compromise is genuine, voluntary and has been arrived at between the parties out of their free will;

6. whether any other criminal case is pending against any of the accused.

The Illaqa Magistrate/trial Court is further directed to record the statement of the Investigating Officer regarding the number of the accused as well as of the victims/complainants/aggrieved persons in the subject FIR.

Report of Illaqa Magistrate/trial Court be awaited for the date fixed.”

3. Pursuant to the order dated 23.08.2023, a report dated 08.11.2023 of the Civil Judicial (Jr. Division)-cum-Judicial Magistrate 1st Class, SAS Nagar has been received by this Court wherein it has been stated that the statements of the parties have been recorded and the parties have stated that they have compromised the matter voluntarily without any threat, pressure, undue influence or fraud and that the complainant/respondent No.2 has no objection to the quashing of the present FIR. Statements of the parties have also been appended with the report.

4. Learned counsel for the petitioners has also pointed out that the parties have since obtained a decree of divorce under Section 13-B of the Hindu Marriage Act, 1955.

5. Learned counsel for respondent No.2 has reiterated that the parties have since compromised the matter and that he has no objection if the present FIR is quashed.

6. The Apex Court in the case of **Gian Singh vs. State of Punjab & Anr. [2012 (10) SCC 303]** has held as under :

“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 what cases power to quash the criminal proceeding or complaint or F.I.R may be exercised where the offender and victim have settled their dispute would depend on the facts and circumstances of each case and no category can be prescribed. However, before

exercise of such power, the High Court must have due regard to the nature and gravity of the crime. Heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc. cannot be fittingly quashed even though the victim or victim's family and the offender have settled the dispute. Such offences are not private in nature and have serious impact on society. Similarly, any compromise between the victim and offender in relation to the offences under special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity etc; cannot provide for any basis for quashing criminal proceedings involving such offences. But the criminal cases having overwhelmingly and pre-dominatingly civil flavour stand on different footing for the purposes of quashing, particularly the offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry, etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, High Court may quash criminal proceedings if in its view, because

of the compromise between the offender and victim, the possibility of conviction is remote and bleak and continuation of criminal case would put accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim. In other words, the High Court must consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceeding or continuation of the criminal proceeding would tantamount to abuse of process of law despite settlement and compromise between the victim and wrongdoer and whether to secure the ends of justice, it is appropriate that criminal case is put to an end and if the answer to the above question(s) is in affirmative, the High Court shall be well within its jurisdiction to quash the criminal proceeding.”

7. Learned counsel for the petitioners has also referred to the law laid down by this Court in **Kulwinder Singh & Ors. vs. State of Punjab & Anr. [2007 (3) RCR (Criminal) 1052]** wherein it has been held that even in non-compoundable offences, if the parties have entered into a compromise, this Court has wide powers under Section 482 CrPC to quash the proceedings to prevent abuse of law and secure the ends of justice.

8. In view of the above and keeping in view the report by the Trial Court that the parties have genuinely entered into a compromise and all the disputes between the parties have been resolved, it would not be in the interest of justice to continue the criminal proceedings.

9. Resultantly, FIR No.0011 dated 11.03.2023 registered under Sections 406, 498-A of the Indian Penal Code, 1860 at Police Station Women, District SAS Nagar is quashed, including all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 26.07.2023 (Annexure P-2).

10. The petition is accordingly allowed. Pending applications, if any, also stand disposed off.

12.12.2023*Deepak Patwal***(ALKA SARIN)****JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO