

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-44222-2022

Date of Decision: 16.10.2023

Sachin Kumar Dhureja and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. D.S. Matya, Advocate for the petitioners.

Mr. Shubham Kaushik, AAG, Punjab.

Ms. Dilmrig Nayani, Advocate for respondent No. 2.

**NIDHI GUPTA, J. (ORAL)**

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 37 dated 17.07.2022 (Annexure P-2) registered under Sections 406, 498-A and 354 IPC at Police Station Women Patiala, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise dated 08.09.2022 (Annexure P-3) effected between the parties.

Pursuant to the order dated 12.07.2023 passed by 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 her report along with statements of the parties vide letter dated 17.08.2023 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 has submitted that as per report, all the accused are party to the compromise and they have never been declared as proclaimed offender. It is further submitted that pursuant to the order dated 12.07.2023, petitioner No. 1-Sachin Kumar Dhureja, had deposited a demand draft bearing No. 422656 dated 10.07.2023 amounting to Rs.6,00,000/- in favour of respondent No. 2-wife with the Registry of this Court. It is submitted that the aforesaid demand draft has expired and the same may be returned to the petitioner, so that petitioner No. 1 shall re-validate the same and hand over the same to respondent No. 2 before the Family Court, Patiala, on **17.10.2023**, the date already fixed for recording second motion statements of the parties.

Ordered accordingly.

**Registry is directed to hand over the aforesaid demand draft to learned counsel for the petitioners/petitioner No. 1, against proper receipt and identification, in accordance with law/rules.**

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

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

After perusing the report submitted by the Judicial

Magistrate Ist Class, Patiala, this Court finds that the matter has been amicably settled between the petitioners and respondent No. 2. 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.”*

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 37 dated 17.07.2022 (Annexure P-2) registered under Sections 406, 498-A and 354 IPC at Police Station Women Patiala, District Patiala and all the consequential proceedings arising therefrom, on the basis of compromise dated 08.09.2022 (Annexure P-3) effected between the parties, are ordered to be quashed qua the petitioners.

A copy of this order be supplied to learned counsel for the petitioners under the signatures of Reader of this Bench.

**16.10.2023***rishu***( NIDHI GUPTA )  
JUDGE****Whether speaking/reasoned****Yes/No****Whether Reportable****Yes/No**