

CRM-21052-2023 in/and
CRM-M-40508-2019

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2023:PHHC:099395

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-21052-2023 in/and
CRM-M-40508-2019

Date of Decision: 02.08.2023

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.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ravinder Kumar Rana, Advocate
for the applicant-petitioner.

Mr. Pankaj Khullar, AAG, Punjab.

None for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

CRM-21052-2023

Application is allowed, as prayed for.

Certified copy of decree of divorce dated 02.11.2019 filed
along with the application is taken on record, subject to all just
exceptions.

CRM-M-40508-2019

The petitioner has filed the present petition under Section 482
Cr.P.C., for quashing FIR No. 0012 dated 19.10.2018 (Annexure P-2)
registered under Sections 406 and 498-A IPC at Police Station City
Balachaur, District Shaheed Bhagat Singh Nagar and all the consequential

proceedings arising therefrom, on the basis of compromise deed dated 26.12.2018 (Annexure P-3).

Pursuant to the order dated 20.09.2019 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Sub Divisional Judicial Magistrate, Balachaur (S.B.S. Nagar), to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Balachaur (S.B.S. Nagar), has submitted her report along with statements of the parties vide letter dated 31.10.2019 duly forwarded by the learned District and Sessions Judge, Shaheed Bhagat Singh Nagar.

A perusal of the above said report would show that the petitioner through his Special Power of Attorney-Som Nath (father) 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 further submitted that as per report, petitioner is the only accused in the present FIR and he has never been declared as proclaimed offender.

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 concerned Magistrate, this Court finds that the matter has been amicably settled between the petitioner 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 prosecution 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 hereinabove, this petition is allowed and FIR No. 0012 dated 19.10.2018 (Annexure P-2) registered under Sections 406 and 498-A IPC at Police Station City Balachaur, District Shaheed Bhagat Singh Nagar, along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioner.

02.08.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No