

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.268

CRM-M-45623-2023 (O&M)
Date of decision : 14.12.2023

Assem Bajaj

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vishneet Singh, Advocate, for the petitioner.

Mr. G.S. Sandhu, DAG, Punjab

HARPREET KAUR JEEWAN, J. (Oral)

Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.69 dated 19.04.2023, under Sections 498-A & 406 IPC, registered at Police Station City Fazilka, District Fazilka (Annexure P-1), on the basis of compromise deed dated 04.09.2023 (Annexure P-2) executed between the parties.

2. Learned counsel for the petitioner submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that initially, the aforesaid FIR was lodged against three persons i.e. husband/petitioner herein, father-in-law and mother-in-law of respondent No.2/complainant but during investigation the parents-in-law of respondent No.2/complainant have been exonerated vide GDR No.47 dated 24.08.2023 (Annexure P-4)

3. Ms. Amandeep Kaur, Chief Judicial Magistrate, Fazilka has sent a report with following observations:-

- *The compromise is willful and without any pressure or misrepresentation.*

- *There is no other accused involved in the matter other than the accused namely Aseem Bajaj who is not a proclaimed offender in this case.*
- *The case is at the stage of investigation.*
- *As per record given by the investigating officer no other case against any of the accused is pending as on the day.*
- *FIR was registered against the accused only.*
- *Compromise is forwarded in original.*
- *This is your kind information, please.*

4. Learned State counsel has informed that after three accused named in the FIR, challan was presented only against the present petitioner and the other accused was declared innocent during investigation. Other accused named Satish Kumar and Sunita Rani declared innocent.

5. The Hon'ble Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, has held that the compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. While exercising powers under Section 482 of the Criminal Procedure Code, in the event of a compromise the power is not limited to matrimonial disputes alone. The only principle that can be laid down which has been incorporated in the Section itself i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice". The relevant para No.25 and 28 reads as under:-

"25. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Criminal Procedure Code The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice."

"28. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour

of justice. Disputes which have their genesis in a matrimonial discord, landlord- tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation .”

6. Parties had a matrimonial dispute, which has now been resolved. Both the husband and wife are living together. The parties want to bury their dispute and do not want to further drag the litigation, the ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties. Since the compromise is without any coercion and pressure and the allegations in the FIR were not against the society, as such the criminal proceedings deserve to be quashed.

7. Consequently, the present petition is allowed and FIR No.69 dated 19.04.2023, under Sections 498-A & 406 IPC, registered at Police Station City Fazilka, District Fazilka (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioner.

8. Pending miscellaneous application(s), if any, also stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

14.12.2023

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No