

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

121+280

**Criminal Misc. No. M-50833 of 2022 (O & M)
Date of decision :-26.07.2023**

Nitish Pahwa and others**.....Petitioners****Versus****State of Haryana and another****.....Respondents****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Dhruv Gupta, Advocate
for the applicants-petitioners.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Prince Pushpinder Rana, Advocate for
Mr. Raghav Sharma, Advocate
For respondent No.2.

NIDHI GUPTA J. (Oral)**CRM-29960-2023**

Prayer in this application is for placing on record the judgment dated 28.3.2023 passed by learned Family Court, Ambala as Annexure P-4.

The application is allowed subject to all just exceptions and the aforesaid judgment is taken on record as Annexure P-4.

CRM-M-50833-2022

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing FIR No. 88 dated 06.9.2021, under Sections 323, 354-A, 406 and 498-A IPC (Section 354-A IPC deleted later on), registered at Women Police Station, District Ambala

(Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 19.10.2022 (Annexure P-2).

Pursuant to the order dated 30.1.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Chief Judicial Magistrate, Ambala, to get their statements recorded. Learned Chief Judicial Magistrate, Ambala, has submitted his report along with copies of the statements of the parties vide letter dated 29.3.2023 duly forwarded by the learned District and Sessions Judge, Ambala.

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 further submitted that the petitioners were not declared proclaimed offender in the present case.

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

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 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 C.I.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 the 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. 88 dated 06.9.2021, under Sections 323, 354-A, 406 and 498-A IPC (Section 354-A IPC deleted later on), registered at Women Police Station, District Ambala along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioners.

July 26, 2023

Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No