

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M No.1662 of 2023

Date of Decision : 07.07.2023

Rajat Yadav and Others

....Petitioners

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ripudaman Singh Sidhu, Advocate for the petitioners.

Mr. Harjinder Singh Sidhu, AAG Punjab for respondent No.1.

Mr. Shashi Kumar Yadav, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.148 dated 07.06.2021 registered under Sections 406, 498-A of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961 at Police Station City Muktsar, District Sri Muktsar Sahib and all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 07.02.2022 (Annexure P-2).

2. On 08.02.2023 the following order was passed :

“The petitioners has filed petition under Section 482 Cr.P.C. for quashing of FIR No. 148 dated 07.06.2021, under Sections 406, 498-A IPC and Section 4 of Dowry Prohibition Act, 1961 registered at Police Station City Muktsar, District Sri Muktsar Sahib on the

*basis of settlement/agreement dated 07.02.2022
Annexure P-2.*

*On the asking of the Court, Mr. Hemant Aggarwal,
AAG, Punjab accepts notice on behalf of the State.*

*Mr. Shashi Kumar Yadav, Advocate has filed
vakalatnama on behalf of respondent No. 2, which is
taken on record.*

*Let the statements of the parties concerned be
recorded with regard to the compromise on 27.03.2023
before the learned Illaqa/Duty Magistrate, concerned or
on any early date convenient to the said Court. In the
even of their statements being recorded, the Court will
send copies of the same to this Court before the next date
of hearing along with its report.*

- 1. The number of accused in the aforesaid FIR
and to report whether any of the accused has
been declared proclaimed offender(s) or any
such proceedings have been initiated or
pending against them.*
- 2. Whether the compromise entered between the
parties is genuine, voluntarily without any
coercion or undue influence.*
- 3. Statement of IO regarding involvement of
petitioner(s) in any other FIR.*
- 4. Status of the trial pending before the Court.*

To await report, list against on 19.04.2023.

Status report be filed by the respondent-State by the adjourned date.”

3. Pursuant to order dated 08.02.2023, report dated 10.04.2023 of the Chief Judicial Magistrate, Sri Muktsar Sahib 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 voluntarily entered into a compromise without any undue influence, threat or coercion. Separate statements of the parties have also been recorded. The complainant/respondent No.2 in her statement has stated that she has compromised the matter without any undue influence or coercion and that she has no objection if the present FIR is quashed. Statements of the parties have also been appended with the report.

4. Learned counsel for the petitioners has also pointed out that divorce has also been granted to the parties.

5. 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.”

6. 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.

7. In view of the above and keeping in view the report by the Chief Judicial Magistrate, Sri Muktsar Sahib 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.

8. Resultantly, FIR No.148 dated 07.06.2021 registered under Sections 406, 498-A of the Indian Penal Code, 1860 and Section 4 of the Dowry Prohibition Act, 1961 at Police Station City Muktsar, District Sri Muktsar Sahib is quashed, including all subsequent proceedings arising out of the said FIR, on the basis of compromise dated 07.02.2022 (Annexure P-2).

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

(ALKA SARIN)
JUDGE

07.07.2023
jk

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