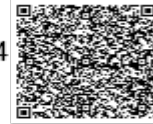


CRM-M-1553-2024

-1-

2024:PHHC:068754



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

226

CRM-M-1553-2024

Date of Decision: 15.05.2024

Avtar Singh

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Krishan Singh, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Deep Singh Saini, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 10 dated 08.01.2023 (Annexure P-1) registered under Sections 354B, 376, 506 and 511 IPC at Police Station Bilaspur, District Yamuna Nagar and all the consequential proceedings arising therefrom on the basis of settlement agreement dated 08.06.2023 (Annexure P-3) arrived at between the parties.

Pursuant to the order dated 05.02.2024 passed by this Court, the parties have appeared before the learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, to get their statements recorded. Learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, has submitted his report along with statements of the parties vide letter dated 26.02.2024 duly forwarded by the learned District and Sessions Judge, Yamuna Nagar.



A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioner *inter alia* submits that the present FIR emanates from the matrimonial dispute between the parties. Marriage of the petitioner with respondent No. 2-complainant/victim was solemnized on 13.08.2006 and one child was also born out of the said wedlock. Both the petitioner and respondent No. 2-complainant/victim are residing separate for the past 06 years. Now, in order to live peacefully, parties have entered into compromise dated 08.06.2023 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the FIR in question. It is submitted that a joint petition under Section 13-B of the Hindu Marriage Act, 1995, for divorce by way of mutual consent has also been filed. It is further submitted that the petitioner is the only accused in the present FIR and he is party to the compromise. It is also submitted that the petitioner 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 learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, this Court finds that the matter has been amicably settled between the petitioner 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. 10 dated 08.01.2023 (Annexure P-1) registered under Sections 354B, 376, 506 and 511 IPC at Police Station Bilaspur, District Yamuna Nagar and all the consequential proceedings arising therefrom on the basis of settlement agreement dated 08.06.2023 (Annexure P-3) arrived at between the parties, are ordered to be quashed qua the petitioner.

15.05.2024
rishu

(NIDHI GUPTA)
JUDGE

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