

CRM-M-1903-2021

Date of Decision : 05.03.2024

Jasveer Kaur

...Petitioner

Versus

State of Punjab and another

....Respondents

BEFORE: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. H.P.S. Ghuman, Advocate for the petitioner.

Ms. Jagriti Kalia, AAG, Punjab.

Mr. M.R. Bhardwaj, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioner, who is mother-in-law of respondent No.2-complainant, has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.116 dated 08.12.2018 registered under Sections 406, 494 and 498-A, IPC 1860 at Police Station Bhadson, Tehsil Nabha, District Patiala (Annexure P-1), and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2) effected between the parties.

Pursuant to the order dated 12.12.2022 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate, First Class, Nabha, to get their statements recorded. Learned Judicial Magistrate, First Class, Nabha, has submitted her report along with statements of the parties vide letter dated 06.03.2023 duly forwarded by the learned District and Sessions Judge, Patiala.

A perusal of the above said report would show that there were two accused in the FIR, the same being the present petitioner, who is mother-in-law

of the complainant-respondent No.2 and the husband of the complainant. However, only the mother-in-law is the petitioner before this Court and it is therefore prayed that the FIR be quashed partially qua the present petitioner. It is submitted that the husband of the complainant lives abroad and that he has paid Rs.24 lacs as full and final settlement to respondent No.2, which fact has been admitted by respondent No.2. Challan was filed against both the accused on 27.03.2020.

The Hon'ble Supreme Court in *Jayrajsinh Digvijaysinh Rana versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589*, has held that partial quashing of the FIR is permissible on the basis of compromise.

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 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.

The High Court of Delhi in *Crl. M.C. 1741/2021, Sunil Tomar vs. The State of NCT of Delhi and another, decided on 12.04.2022*, has held that partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties.

In view of what has been discussed here-in-above, this petition is allowed and FIR No.116 dated 08.12.2018 registered under Sections 406, 494 and 498-A, IPC 1860 at Police Station Bhadson, Tehsil Nabha, District Patiala, along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioner only.

March 05 2024
ps

(NIDHI GUPTA)
JUDGE

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No