

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227-I

CRM-M-1826-2024 (O&M)

Date of Decision:29.04.2024

Sukhdev Singh Jossan and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rajat Dogra, Advocate for the petitioners.

Mr. S.S.Chahal, A.A.G., Punjab.

Mr. Davinder Singh Khurana, Advocate
for respondent No. 2/complainant.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 202 dated 04.12.2022 (Annexure P-1) registered under Sections 406, 498A IPC and Section 4 of Dowry Prohibition Act, 1961 at Police Station City Jalalabad, District Fazilka and all the consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties by way of affidavit of complainant/respondent No.2 dated 29.12.2023 (Annexure P-2).

Pursuant to the order dated 25.01.2024 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Sub Divisional Judicial Magistrate, Jalalabad, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Jalalabad, has submitted her report along with statements of the parties vide letter dated

20.02.2024 duly forwarded by the learned District and Sessions Judge, Fazilka on 02.03.2024.

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 valid, genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners contends that it is a case of version and cross-version wherein the parties have amicably arrived at an amicable settlement between themselves. Learned counsel further submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, all the accused are party to the compromise and they have never been declared as proclaimed offenders. It is further submitted that there is one cross case arising from FIR No. 123 dated 03.11.2023, under Section 324, 323, 511 and 34 IPC at Police Station Cantt., Ferozepur registered against the complainant/respondent No. 2 and her family members on the statement of the husband/petitioner No.2 herein. Vide order of even date passed in ***CRM-M-2376-2024*** titled as ***Sonia Kamboj and others vs. State of Punjab and another***, the FIR No. 123 dated 03.11.202 has also been quashed.

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

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Sub

Divisional Judicial Magistrate, Jalalabad, this Court finds that the matter has been amicably settled between the petitioners 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. 202 dated 04.12.2022 (Annexure P-1) registered under Sections 406, 498A IPC and Section 4 of Dowry Prohibition Act, 1961 at Police Station City Jalalabad, District Fazilka and all the consequential proceedings arising therefrom, on the basis of compromise arrived at between the parties by way of affidavit of complainant/respondent No.2 dated 29.12.2023 (Annexure P-2), are ordered to be quashed qua the petitioners.

Pending application, if any, stands disposed of.

29.04.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No