

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

265

CRM-M-2259-2024

Date of Decision: 31.07.2024

Arun

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Anshuman Dalal, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

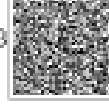
Mr. Anshul, Advocate for

Mr. Amit Kumar, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 0006 dated 13.02.2021 (Annexure P-1) registered under Sections 34, 354-A, 498-A and 506 IPC at Police Station Women, Charkhi Dadri, Haryana (Report u/s 173 Cr.P.C. presented U/s 498-A and 506 IPC) and all consequential proceedings arising therefrom, on the basis of compromise dated 06.01.2024 (Annexure P-2) effected between the parties.

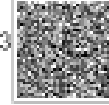
Pursuant to the order dated 15.03.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Charkhi Dadri, to get their statements recorded. Learned Judicial Magistrate Ist Class, Charkhi Dadri, has submitted his report along with



statements of the parties vide letter dated 22.04.2024 duly forwarded by the learned District and Sessions Judge, Bhiwani.

A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared before the learned trial Court 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. It is submitted that petitioner was married to the complainant/ respondent No.2 herein on 06.2.2018 and no child was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately since 2020. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 06.1.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. Learned counsel further informs that the parties have also been granted decree of divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955. It is submitted that pursuant to the compromise effected, the parties have already withdrawn the litigation pending between them i.e. Petition under Section 13 of the Hindu Marriage Act, filed by the petitioner (withdrawn on 13.10.2023), Petition under Section 125 Cr.P.C. filed by respondent No.2 (withdrawn on 04.11.2023) and Petition under Section 12 of the D.V.Act filed by



respondent No.2 (withdrawn on 04.11.2023). Further, it is submitted that initially, four persons were named in the FIR, however, challan has been filed only against the present petitioner, on 04.3.2021. It is further submitted that the petitioner has never been declared as proclaimed offender.

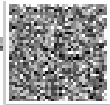
Learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioner.

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

After perusing the report submitted by the learned Judicial Magistrate Ist Class, Charkhi Dadri, this Court finds that the matter has been amicably settled between the petitioner and respondents 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. 0006 dated 13.02.2021 (Annexure P-1) registered under Sections 34, 354-A, 498-A and 506 IPC at Police Station Women, Charkhi Dadri, Haryana (Report u/s 173 Cr.P.C. presented U/s 498-A and 506 IPC) and all consequential proceedings arising therefrom, on the basis of compromise dated 06.01.2024 (Annexure P-2) effected between the parties, are ordered to be quashed qua the petitioner.

31.07.2024
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(NIDHI GUPTA)
JUDGE

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