

CRM-M-3784-2024

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2024:PHHC:083595



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-3784-2024

Date of Decision: 05.07.2024

Deepak Bhardwaj

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Aditya Anand, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Saurabh Bhardwaj, 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. 282 dated 04.09.2014 (Annexure P-1) registered under Sections 498-A, 406 and 34 IPC at Police Station-Sector 40, Gurugram and all the consequential proceedings arising therefrom on the basis of joint statement/compromise (Annexure P-2).

Pursuant to the order dated 24.01.2024 passed by a co-ordinate Bench of this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Gurugram to get their statements recorded. Learned Judicial Magistrate Ist Class, Gurugram, has submitted his report along with statements of the parties vide letter dated 15.04.2024 duly forwarded by the learned District and Sessions Judge, Gurugram.

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. It is submitted that marriage of the petitioner with complainant/respondent No. 2 was solemnized on 17.01.2013 and one son was born out of the said wedlock, who is currently in the care and custody of respondent No. 2. Due to temperamental differences, the parties could not cohabit together and started residing separately since 02.06.2013. Now better sense has prevailed between the parties and in order to live peacefully, parties have settled all their disputes amicably and entered into compromise/joint statement (Annexure P-2) before the learned Family Court Gurugram on 29.11.2023, wherein the parties agreed to mutual divorce. The parties have also agreed not to proceed further with the FIR in question. It is submitted that now the parties have been granted decree of divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955, vide judgment and decree dated 30.06.2024. Further, it is submitted that 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, Gurugram, 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. 282 dated 04.09.2014 (Annexure P-1) registered under Sections 498-A, 406 and 34 IPC at Police Station-Sector 40, Gurugram and all the consequential proceedings arising therefrom on the basis of joint statement/compromise (Annexure P-2)., are ordered to be quashed qua the petitioner.

05.07.2024

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(NIDHI GUPTA)

JUDGE

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