

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-4242-2024 (O&M)

Date of Decision: 05.04.2024

Sourav Jain and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Pooja Jaglan, Advocate for the petitioners.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Abhishek Malik, Advocate for
Mr. Navneet Singh, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

CRM-3650-2024

Application is allowed, as prayed for.

CRM-M-4242-2024

The petitioners who are husband (petitioner No. 1) and parents-in-law (petitioners No. 2 and 3) of complainant-respondent No. 2 herein, have filed the present 2nd petition under Section 482 Cr.P.C., for quashing of FIR No. 1173 dated 23.08.2018 (Annexure P-1) registered under Sections 323, 377, 406, 498-A and 506 IPC at Police Station Panipat City, Panipat and all the consequential proceedings arising therefrom, on the basis of compromise dated 05.01.2024 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 30.01.2024 passed by a co-ordinate Bench of this Court, the parties appeared before the learned

Chief Judicial Magistrate, Panipat, to get their statements recorded. Learned Chief Judicial Magistrate, Panipat, has submitted his report along with statements of the parties vide letter dated 22.03.2024 duly forwarded by the learned District and Sessions Judge, Panipat.

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 voluntary, out of free will and without any coercion or influence, and it appears to be genuine.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that the matter has amicably been settled between the parties vide compromise dated 05.01.2024 (Annexure P-2). It is submitted that petitioner No. 1 and respondent No. 2 have reconciled and started living together. Further, it is submitted that initially, the present FIR was lodged only against the present petitioners and they have never been declared as proclaimed offender(s).

On instructions, learned State counsel has informed that petitioner No. 1-Sourav Jain is involved in one more case i.e. FIR No. 346 dated 17.03.2018, registered under Sections 323/34, 427, 452, 506 and 201 and Section 25 of the Arms Act added subsequently at Police Station Panipat City, Panipat.

Learned counsel for the petitioners submits that the aforesaid FIR No. 346 dated 17.03.2018, registered against petitioner No. 1-Sourav Jain, has already been quashed vide order dated 03.10.2023 (Annexure P-3) passed by a co-ordinate Bench of this Court.

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

After perusing the report submitted by the learned Chief Judicial Magistrate, Panipat, 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. 1173 dated 23.08.2018 (Annexure P-1) registered under Sections 323, 377, 406, 498-A and 506 IPC at Police Station Panipat City, Panipat and all the consequential proceedings arising therefrom, on the basis of compromise dated 05.01.2024 (Annexure P-2), are ordered to be quashed qua the petitioners.

05.04.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No