

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4413-2023 (O&M)
Date of Decision: 05.02.2024

SUBHASH CHAND

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Robin Dutt, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG Haryana.

Mr. Krishan Singh, Advocate for respondent No.2.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 546 dated 24.09.2019 registered at Police Station City, District Yamuna Nagar under Sections 323, 406 and 498-A of the IPC on the basis of compromise dated 04.08.2022 (Annexure P-4) between the parties.

2. It is contended on behalf of the petitioner that it was a matrimonial dispute. The FIR was registered at the instance of respondent No. 2-complainant (wife). Now the parties have amicably settled their dispute. In pursuance to the said settlement, a joint petition has also been filed by the petitioner and respondent No. 2 under Section 13-B of the Hindu Marriage Act, 1955 before the learned Family Court, Yamuna Nagar at Jagadhri. It is further contended that respondent No. 2 at whose instance the present FIR was registered, does not want to take any action against the petitioner.

3. It is further contended on behalf of the petitioner that initially 4 persons namely Subhash Chand, Ramdhari, Suman and Shiv Kumar were arraigned as accused. However, during investigation, other co-accused of the petitioner have been found innocent and challan has been presented only against the present petitioner.

4. In view of order dated 01.02.2023 passed by the Co-ordinate Bench in the present case, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statement regarding the compromise.

5. Mr. Rajvinder Singh, Judicial Magistrate Ist Class, Yamuna Nagar has sent a report with the following observations after recording the statements of the petitioner, respondent No.2 and SI, Bhup Singh (Investigating Officer) to the effect that the compromise is willful and genuine. The petitioner has never been declared Proclaimed Offender. As per the report of the investigating officer, no other case is pending against the petitioner and there is only one aggrieved person, i.e. respondent No. 2 in the present FIR.

6. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

7. Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties and submits that he has no objection if the present petition is allowed.

8. The Hon'ble Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, has held that the compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. While exercising powers under Section 482 of the Criminal Procedure Code, in the event of a compromise the power is

not limited to matrimonial disputes alone. The only principle that can be laid down which has been incorporated in the Section itself i.e., “to prevent abuse of the process of any Court” or “to secure the ends of justice”. The relevant para No.25 and 28 reads as under:-

“25. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Criminal Procedure Code. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice."

28. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord- tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation."

9. It was a matrimonial dispute which has been amicably settled between the parties. A joint petition under Section 13-B of the Hindu Marriage Act has been filed. As per compromise, Annexure P-4, the parties have settled the question of maintenance and the petitioner has agreed to pay a sum of Rs. 11,00,000/- to respondent No.2 on account of past and future maintenance. No dispute is left *inter se* the parties. As such, continuing the proceedings in the present FIR is not in the interest of justice. The ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties. Since the compromise is without any coercion and pressure and the allegations in the FIR were not against the society, as such the criminal proceedings deserve

to be quashed.

10. Consequently, this petition is allowed and FIR No. 546 dated 24.09.2019 registered at Police Station City, District Yamuna Nagar under Sections 323, 406 and 498-A IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

11. Pending miscellaneous application (s), if any, shall also stand disposed of.

05.02.2024

Janki/nitin

(HARPREET KAUR JEEWAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No