



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-6597-2024

Date of Decision: 21.05.2024

Surjeet Singh and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Tanvir S. Grewal, Advocate for the petitioners.

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

Mr. Sukhpreet Singh Kang, Advocate
for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

The petitioners, who are the parents-in-law of the complainant/respondent No.2 herein have filed the present petition under Section 482 Cr.P.C. for quashing of FIR No. 60 dated 27.10.2018 (Annexure P-1) registered under Sections 498A and 406 of Indian Penal Code, 1860 at Police Station Women, District Bathinda and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 31.10.2023 (Annexure P-3) effected between the parties.

Pursuant to the order dated 08.02.2024 passed by this Court, the parties were directed to appear before the learned Judicial Magistrate 1st Class, Bathinda. However, the statements of the parties could not be recorded due to some misunderstanding regarding the date. Vide CRM No. 11389 of 2024, the petitioners made a prayer for granting another opportunity to the parties to get their statements recorded, which was allowed on 18.03.2024 and the parties were again directed to get their



statements recorded on 03.04.2024. In pursuance of orders dated 08.02.2024 and 18.03.2024 passed by this Court, learned Judicial Magistrate 1st Class, Bathinda has submitted his report vide letter dated 18.05.2024, duly forwarded by learned District and Sessions Judge, Bathinda. As per the said report, three persons were arrayed as accused in the present FIR i.e. Gagandeep Singh, Surjeet Singh and Kanta Rani. Out of these three accused persons Gagandeep Singh (husband) has expired. Now the remaining two accused are before this Court as petitioners herein. 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 submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, the present petitioners are party to the compromise. They have never been declared as proclaimed offenders and are not involved in any other case.

Learned State counsel has stated that he has 'no objection' in case the FIR 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 Judicial Magistrate 1st Class, Bathinda, 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. 60 dated 27.10.2018 (Annexure P-1)



registered under Sections 498A and 406 of Indian Penal Code, 1860 at Police Station Women, District Bathinda and all subsequent proceedings arising therefrom, on the basis of compromise deed dated 31.10.2023 (Annexure P-3), are ordered to be quashed qua the petitioners.

21.05.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No