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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-7569-2023

Date of Decision: 19.01.2024

KHUSHPREET SHARMA

PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER

RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Akbarjit Singh, Advocate
for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab

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None for respondent No.2.

SANDEEP MOUDGIL, J (Oral):

1. This jurisdiction of this Court under Section 482 Cr.P.C. has been invoked for quashing of FIR No. 66, dated 30.08.2019, under Section 498-A IPC (Section 406 IPC added later on), registered at Police Station Women, Police Commissionerate, Jalandhar along-with all consequential proceedings arising therefrom on the basis of compromise dated 15.07.2022 (Annexure P-2).

2. The FIR was a result of a matrimonial dispute. During the pendency of the dispute the parties have compromised the matter and filed the present petition for quashing.

3. Following order was passed by this Court on 11th November, 2020:-

“ The petitioner has filed the present petition seeking quashing of FIR No.0066 dated 30.08.2019 under Sections

498-A of the Indian Penal Code, 1860 (Section 406 IPC added later on), registered at Police Station Women, Police Commissionerate Jalandhar (Annexure P-1), and all other subsequent proceedings arising therefrom on the basis of the compromise dated 15.07.2022 (Annexure P-2).

Notice of motion.

On the asking of Court, Mr. S.S. Cheema, DAG, Punjab, accepts notice on behalf of respondent No.1-State and Ms. Amarpreet Kaur, Advocate accepts notice and filed Vakalatnama on behalf of respondent No.2, which is taken on record.

Learned counsel for respondent No.2 has not denied the factum of compromise effected between the parties.

Adjourned to 26.05.2023.

In the meanwhile, both the parties are directed to appear before the concerned Illaqa/Duty Magistrate on 15.02.2023 for recording their statements, who shall record their respective statements with regard to the genuineness/correctness of the compromise and that the compromise is not the result of any fraud or misrepresentation and is the result of free will of the parties. It would also be verified that besides the accused (petitioner) mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case. The Illaqa Magistrate/Duty Magistrate shall send his/her report through learned Sessions Judge concerned on or before the date fixed before this Court.”

4. The report dated 20th February, 2023 is received stating that the compromise is genuine, voluntary and without any coercion or undue influence.

“ The Supreme Court in ***Jitendra Raghuvanshi and others v. Babita Raghuvanshi and another, 2013 (2) SCC (Cri) 302*** has held as under:-

“10. As stated earlier, it is not in dispute that after filing of a complaint in respect of the offences punishable under Sections 498A and 406 of IPC, the parties, in the instant case, arrived at a mutual settlement and the complainant also has sworn an affidavit supporting the stand of the appellants. That was the position before the trial Court as well as before the High Court in a petition filed under Section 482 of the Code. A perusal of the impugned order of the High Court shows that because the mutual settlement arrived at between the parties relate to non-compoundable offence, the court proceeded on a wrong premise that it cannot be compounded and dismissed the petition filed under Section 482. A perusal of the petition before the High Court shows that the application filed by the appellants was not for compounding of non-compoundable offences but for the purpose of quashing the criminal proceedings.

11. The inherent powers of the High Court under Section 482 of the Code are wide and unfettered. In B.S. Joshi (supra), this Court has upheld the powers of the High Court under Section 482 to quash criminal proceedings where dispute is of a private nature and a compromise is entered into between the parties who are willing to settle their differences amicably. We are satisfied that the said decision is directly applicable to the case on hand and the High Court ought to have quashed the criminal proceedings by accepting the settlement arrived at.

12. In our view, it is the duty of the courts to encourage genuine settlements of matrimonial disputes, particularly, when the same are on considerable increase. Even if the offences are non-compoundable, if they relate to matrimonial disputes and the court is satisfied that the parties have settled the same amicably and without any pressure, we hold that for the purpose of securing ends of justice, Section 320 of the Code would not be a bar to the exercise of power of quashing of FIR, complaint or the subsequent criminal proceedings.”

5. The root cause of the dispute was a matrimonial dispute and parties have resolved their differences by filing a divorce petition. In such circumstances the continuation with the trial would only undo the efforts of the parties to proceed further with their respective lives. To meet the ends of justice, the FIR mentioned above and all consequential proceedings are hereby, quashed.

6. In view of discussions made hereinabove, the present petition is allowed.

[SANDEEP MOUDGIL]
JUDGE

19th JANUARY, 2024
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| 1. Whether speaking/ reasoned : | Yes / No |
| 2. Whether reportable | : Yes / No |