



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-7907-2024

Date of Decision: 14.05.2024

Jitender Pakhreria and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Nagesh Paul, Advocate for
Mr. Siddharth Sandhu, Advocate for the petitioners.

Mr. S.S. Chahal, AAG, Punjab.

Mr. Gurkamal Kandhola, Advocate for
Mr. Gaurav Pathania, 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. 0001 dated 6.01.2022 (Annexure P-1)
registered under Sections 498-A, 406 and 506 IPC at Police Station Dhar
Kalan, Tehsil and District Pathankot, Punjab and all the consequential
proceedings arising therefrom on the basis of compromise deed dated
07.12.2023 (Annexure P-2) effected between the parties.

Pursuant to the order dated 15.02.2024 passed by this Court,
the parties have appeared before the learned Chief Judicial Magistrate,
Pathankot, to get their statements recorded. Learned Chief Judicial
Magistrate, Pathankot, has submitted his report along with copies of the
statements of the parties vide letter dated 11.03.2024 duly forwarded by
the learned District and Sessions Judge, Pathankot.



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 genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioners, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner No. 1 is the husband and petitioner No. 2 is the brother-in-law of respondent No. 2-complainant. Marriage of petitioner No. 1-Jitender Pakhreria with respondent No. 2-complainant was solemnized on 21.09.2018 and no child is born out of the said wedlock. Due to some misunderstanding, respondent No. 2-complainant had lodged the aforesaid FIR against the present petitioners. Now, the better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 07.12.2023 (Annexure P-2), according to which both the parties have agreed not to proceed further with the FIR in question. Petitioner No. 1 and respondent No. 2 have already been granted divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955, vide decree dated 07.12.2023, passed by the learned Family Court, Pathankot. Further, it is submitted that the petitioners are the only accused in the present FIR and they have never been declared as proclaimed offender(s).

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 Chief Judicial Magistrate, Pathankot, 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. 0001 dated 6.01.2022 (Annexure P-1) registered under Sections 498-A, 406 and 506 IPC at Police Station Dhar Kalan, Tehsil and District Pathankot, Punjab and all the consequential proceedings arising therefrom on the basis of compromise deed dated 07.12.2023 (Annexure P-2) effected between the parties, are ordered to be quashed qua the petitioners.

14.05.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No