



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-7826-2024 (O&M)

Date of Decision: 14.05.2024

Deepak Batish and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. R.K. Shukla, Advocate for the petitioners.

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

Mr. G.P. Vashist, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

CRM-6859-2024

Application is allowed, as prayed for.

CRM-M-7826-2024

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 0068 dated 13.04.2021 (Annexure P-1) registered under Sections 406 and 498-A IPC; and Sections 66(B) and 66(E) of the Information and Technology Act at Police Station City Rupnagar, District Roopnagar and all the consequential proceedings arising therefrom on the basis of compromise deed dated 04.01.2024 (Annexure P-4) effected between the parties.

Pursuant to the order dated 15.02.2024 passed by this Court, the parties have appeared before the learned Additional Chief Judicial Magistrate Rupnagar, to get their statements recorded. Learned



Additional Chief Judicial Magistrate Rupnagar, has submitted his report along with statements of the parties vide letter dated 15.04.2024 duly forwarded by the learned District and Sessions Judge, Rupnagar.

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 and the compromise between the parties is out of their own sweet will, without any pressure and coercion in any manner.

Learned counsel for the petitioners, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. Petitioner No. 1 in the present case is the husband and petitioner No. 2 is the mother-in-law of respondent No. 2-complainant. It is submitted that marriage of petitioner No. 1 with respondent No. 2 was solemnized on 10.02.2020 and no child is born out of the said wedlock. Due to some misunderstanding between the parties, the present FIR was lodged by respondent No. 2-complainant. Now, the better sense has been prevailed between the parties and in order to live peacefully, parties have entered into compromise 04.01.2024 (Annexure P-4), according to which both the parties have agreed not to proceed further with the FIR in question. Both the petitioner No. 1 and respondent No. 2-complainant have now started residing together as husband and wife. Learned counsel submits that 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 Additional Chief Judicial Magistrate, Rupnagar, 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. 0068 dated 13.04.2021 (Annexure P-1) registered under Sections 406 and 498-A IPC and Sections 66(B) and 66(E) of the Information and Technology Act at Police Station City Rupnagar, District Roopnagar and all the consequential proceedings arising therefrom on the basis of compromise deed dated 04.01.2024 (Annexure P-4) 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