

CRM-M-7661-2024

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2024:PHHC:070839



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-7661-2024

Date of Decision:20.05.2024

Deepak

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Harshit Joon, Advocate for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Mr. Neeraj Jain, Advocate for
Mr. S.S. Dhillon, Advocate
for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioner, who is the husband of the complainant/respondent No.2 herein, has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 93 dated 05.04.2019 (Annexure P-1) registered under Sections 328, 34, 498-A of IPC, (later on charged only under Section 498-A IPC), at Police Station Line Par Bahadurgrah, District Jhajjar, Haryana and all other consequential proceedings arising therefrom, on the basis of compromise deed dated 25.08.2023 (Annexure P-2).

Pursuant to the order dated 14.02.2024 passed by this Court, the parties appeared before the learned Civil Judge (Jr. Divn)-cum-JMIC, Bahadurgarh, to get their statements recorded. Learned Civil Judge (Jr. Divn)-cum-JMIC, Bahadurgarh, has submitted his report along with



statements of the parties vide letter dated 22.03.2024 duly forwarded by the learned District & Sessions Judge, Jhajjar on 27.03.2024.

A perusal of the above said report would show that initially seven persons were arrayed as accused in the present FIR namely Premwati, Sukhbir, Anita, Suresh, Sanjita, Ajay and Deepak. However, during investigation accused Premwati, Sukhbir, Anita, Suresh, Sanjita and Ajay were found innocent. The challan has been filed against the present petitioner only. The petitioner 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 petitioner submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, the petitioner is the only party to the compromise and has never been declared as proclaimed offender. He is 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 petitioner.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Civil Judge (Junior Division)-cum-JMIC, Bahadurgarh this Court finds that the matter has been amicably settled between the petitioner 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. 93 dated 05.04.2019 (Annexure P-1) registered under Sections 328, 34, 498-A of IPC, (lateron charged only under Section 498-A IPC), at Police Station Line Par Bahadurgrah,

District Jhajjar, Haryana and all other consequential proceedings arising therefrom, on the basis of compromise deed dated 25.08.2023 (Annexure P-2), are ordered to be quashed qua the petitioner.

20.05.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No