



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-8081-2024

Date of Decision: 13.05.2024

Dusyant and another

.... Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sumit Sangwan, Advocate for the petitioners.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Vikrant Rana, Advocate for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 0049 dated 09.06.2022 (Annexure P-1) registered under Sections 323/34, 354, 376, 377, 406, 498-A, 506 and 511 IPC (Sections 354, 376, 377 and 511 IPC deleted during investigation) at Women Police Station, Chakhi Dadri and all the consequential proceedings arising therefrom on the basis of compromise deed dated 09.02.2024 (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 Judicial Magistrate Ist Class, Charkhi Dadri, to get their statements recorded. Learned Judicial Magistrate Ist Class, Charkhi Dadri, has submitted his report along with copies of statements of the parties vide letter dated 16.03.2024 duly forwarded by the learned District and Sessions Judge, Bhiwani.



A perusal of the above said report would show that the petitioners and respondents No. 2 and 3 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 both the petitioners are real brothers; whereas respondent No. 2-complainant and respondent No. 3-victim are real sisters. Petitioner No. 1 is married to respondent No. 2/complainant and petitioner No. 2 is married to respondent No. 3/victim on 29.03.2021. No child is born out of either wedlock. Due to temperamental differences the parties could not live together and have now agreed to part ways. Initially, the complaint was lodged against 05 persons i.e. the present petitioners, their parents/parents-in-law of respondents No. 2 and 3 and one Manisha. However, upon investigation 03 accused i.e. parents-in-law of respondents No. 2 and 3 and Manisha, aforesaid were found innocent and the challan has been presented only against the present petitioners. Now, better sense has been prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 09.02.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It is also submitted that joint petition under Section 13-B of the Hindu Marriage Act, 1955, for grant of divorce by way of mutual consent has also been filed by the parties; wherein first motion statement of the parties was also recorded on 09.02.2024 before the learned Family Court concerned.



Learned counsel submits that the petitioners are the only accused in the present FIR and are party to the compromise. It is further submitted that the petitioners have never been declared as proclaimed offender.

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 Ist Class, Charkhi Dadri, this Court finds that the matter has been amicably settled between the petitioners and respondents No. 2 and 3. 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. 0049 dated 09.06.2022 (Annexure P-1) registered under Sections 323/34, 354, 376, 377, 406, 498-A, 506 and 511 IPC (Sections 354, 376, 377 and 511 IPC deleted during investigation) at Women Police Station, Chakhi Dadri and all the consequential proceedings arising therefrom on the basis of compromise deed dated 09.02.2024 (Annexure P-2) effected between the parties, are ordered to be quashed qua the petitioners.

13.05.2024
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(NIDHI GUPTA)
JUDGE

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