



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-8563-2024

Date of Decision: 18.07.2024

Vivek Kumar Othiwal and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. N.S. Sidhu, Advocate for the petitioners.

Ms. Rishu Madan, AAG, Punjab.

Mr. Ajay Singh, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 15 dated 05.05.2021 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Women, Bathinda and all consequential proceedings arising therefrom, on the basis of compromise dated 14.12.2021 (Annexure P-2), entered into between the parties.

Pursuant to the order dated 13.03.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Bathinda, to get their statements recorded. Learned Judicial Magistrate Ist Class, Bathinda, has submitted his report along with statements of the parties vide letter dated 06.06.2024 duly forwarded by the learned



District and Sessions Judge, Bathinda.

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. Statement of petitioner No. 2-Raj Kumar Othiwal @ Raj Kumar Jaipal Singh Othiwal, has been recorded through video conferencing.

Learned counsel for the petitioner, *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 father-in-law of the complainant/respondent No.2 herein. Marriage of the petitioner with complainant/respondent No.2 was solemnized on 29.4.2013 and one daughter was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 14.12.2021 (Annexure P-2), according to which, both the parties have reconciled and agreed not to proceed further with the FIR in question. It is also submitted that the complainant/respondent No. 2 is living in her matrimonial house alongwith the petitioners. It is submitted that initially three persons were named in the FIR i.e. husband (petitioner No.1), father-in-law (petitioner No.2) and mother-in-law, namely, Sunita, who has expired on 16.12.2023 and the challan has been filed only against the present petitioners, who have never been declared



as proclaimed offender. Learned counsel for the petitioners also points out that despite the fact that the matter has been compromised between the parties, who are residing in the same house, despite that the police has issued warrant of arrest dated 25.01.2024 against the petitioners.

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 Judicial Magistrate Ist Class, Bathinda, 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. 15 dated 05.05.2021 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Women, Bathinda and all consequential proceedings arising therefrom, on the basis of compromise dated 14.12.2021 (Annexure P-2), entered into between the parties, are ordered to be quashed qua the petitioners.

18.07.2024
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(NIDHI GUPTA)
JUDGE

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