

CRM-M-8036-2024 **-1-**

2024:PHHC:094566



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

270

CRM-M-8036-2024

Date of Decision: 25.07.2024

Harinder Sharda

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Aditya Anand, Advocate for the petitioner.

Ms. Rishu Madan, A.A.G., Punjab.

Mr. Shubham Mirok, Advocate
for the complainant/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 for quashing of FIR No. 79 dated 15.07.2021 registered under Section 498-A IPC, at Police Station Sadar Banga, District SBS Nagar (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 16.01.2024 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 14.05.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Shaheed Bhagat Singh Nagar, to get their statements recorded. Learned Judicial Magistrate 1st Class, Shaheed Bhagat Singh Nagar, has



submitted her report along with statements of the parties vide letter dated 24.07.2024 duly forwarded by learned District and Sessions Judge, Shaheed Bhagat Singh Nagar.

A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared and suffered their 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 present petitioner and respondent No.2 are the only party to the compromise. The petitioner has never been declared as proclaimed offender and is not involved in any other case.

Learned State counsel, as well as learned counsel for respondent No.2 have stated that they have ‘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 1st Class, Shaheed Bhagat Singh Nagar, 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*

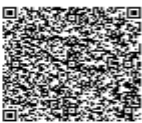


Singh and others Vs State of Punjab”, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the 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. 79 dated 15.07.2021 registered under Section 498-A IPC, at Police Station Sadar Banga, District SBS Nagar (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise dated 16.01.2024 (Annexure P-2),



are ordered to be quashed qua the petitioner.

25.07.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No