

CRM-M-9367-2024 (O&M)

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2024:PHHC:046669

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-9367-2024 (O&M)

Date of Decision: 05.04.2024

Vipan Kumar and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Akhil Sharma, Advocate for
Mr. Ramnish Puri, Advocate for the petitioners.

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

Mr. Rohit, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

CRM-8181-2024

Application is allowed, as prayed for.

CRM-M-9367-2024

The petitioners who are husband (petitioner No. 1) and mother-in-law (petitioner No. 2) of complainant-respondent No. 2 herein, have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 46 dated 29.06.2023 (Annexure P-1) registered under Sections 498-A, 406 and 323 IPC at Police Station Women Amritsar, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise dated 09.02.2024 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 22.02.2024 passed by a co-ordinate Bench of this Court, the parties appeared before the learned

Judicial Magistrate Ist Class, Amritsar, to get their statements recorded. Learned Judicial Magistrate Ist Class, Amritsar, has submitted her report along with copies of the statements of the parties vide letter dated 21.03.2024 duly forwarded by the learned District and Sessions Judge, Amritsar.

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, out of their free will, voluntary and without any undue influence, coercion or pressure of any kind. Perusal of statement of complainant/ respondent No. 2 recorded by the trial Court also reveals that the parties have reconciled and started living together as husband and wife.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that the matter has amicably been settled between the parties vide compromise dated 09.02.2024 (Annexure P-2) and petitioner No. 1 and respondent No. 2 have started living together. Further, it is submitted that initially, the present FIR was lodged against 04 persons, however, upon investigation, the challan was presented only against the present petitioners 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 Judicial

Magistrate Ist Class, Amritsar, 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. 46 dated 29.06.2023 (Annexure P-1) registered under Sections 498-A, 406 and 323 IPC at Police Station Women Amritsar, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise dated 09.02.2024 (Annexure P-2), are ordered to be quashed qua the petitioners.

05.04.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No