

CRM-M-10071-2024

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2024:PHHC:063518



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-10071-2024

Date of Decision: 07.05.2024

Sahib Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. P.P. Rana, Advocate for
Mr. SPS Khaira, Advocate for the petitioner.

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

Mr. Kunal R. Choksi, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 67 dated 06.09.2009 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Ghuman, District Gurdaspur and all the consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 11.08.2015 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Batala, on the basis of compromise dated 24.01.2024 (Annexure P-3) effected between the parties.

Pursuant to the order dated 27.02.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Batala, to get their statements recorded. Learned Judicial Magistrate Ist Class, Batala, has submitted his report along with



statements of the parties vide letter dated 30.03.2024 duly forwarded by the learned District and Sessions Judge, Gurdaspur.

A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared and suffered statements with respect to the compromise which have been found to be genuine, voluntary, without any coercion or undue influence and the same is the result of free will of parties.

Learned counsel for the petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. Marriage of the petitioner with respondent No. 2 was solemnized on 14.03.2005 and one son was born out of the said wedlock, who is currently in the care and custody of respondent No. 2/complainant. Due to matrimonial discord between the parties, the present FIR was lodged by respondent No. 2 against her husband/petitioner herein and her father-in-law. Vide judgment of conviction and order of sentence dated 11.08.2015 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Batala, the petitioner was convicted under Sections 406 and 498-A IPC and sentenced to undergo rigorous imprisonment for 02 years under both the counts. However, father-in-law of respondent No. 2/complainant was acquitted by the learned trial Court vide aforesaid judgment. Now, better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 24.01.2024 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the present case and both the parties have decided to part ways. As per compromise (Annexure P-3), the matter has been



settled between the parties for a sum of Rs.50,00,000/- to be paid by the petitioner/husband in equal shares i.e. Rs.25,00,000/- each to respondent No. 2/wife and son, namely, Jashandeep Singh. It is further submitted that a 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 in the month of March, 2023.

In support of his contentions, learned counsel for the petitioner has relied upon judgment of Hon'ble Supreme Court in ***Ram Gopal and Anr. Vs. State of Madhya Pradesh, 2021(4) RCR (Criminal) 322***; and a judgment of Hon'ble Division Bench of this Court in ***(iii) Sube Singh vs. State of Haryana 2012(4) RCR (Criminal) 102***, wherein it has been held that the powers of the Court under Section 482 Cr.P.C. can be invoked to quash a complaint/FIR on the basis of a voluntary compromise even at a post conviction stage.

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, Batala, 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. 67 dated 06.09.2009 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Ghuman, District Gurdaspur and all the consequential proceedings arising therefrom including judgment of conviction and order of sentence dated 11.08.2015 (Annexure P-2) passed by the learned Judicial Magistrate Ist Class, Batala, on the basis of compromise dated 24.01.2024 (Annexure P-3) effected between the parties, are ordered to be quashed qua the petitioner.

07.05.2024
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(NIDHI GUPTA)
JUDGE

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