



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-10119-2024

Date of Decision: 07.05.2024

Lakhwinder Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Lovish Rattan, Advocate for the petitioners.

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

Mr. Surinder Sharma, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioners who are husband (petitioner No. 1) and brother-in-law and sister-in-law (*Jeth and Jethani*) (petitioners No. 2 and 3 respectively) of respondent No. 2-complainant have filed the instant petition under Section 482 Cr.P.C., for quashing of FIR No. 21 dated 26.05.2022 (Annexure P-1) registered under Sections 498-A and 120-B IPC at Police Station Women, District Amritsar and all the consequential proceedings arising therefrom on the basis of compromise dated 01.09.2023 (Annexure P-2) effected between the parties.

Pursuant to the order dated 26.02.2024 passed by this Court, the parties have 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 statements of the parties vide letter dated 10.04.2024 duly forwarded by



the learned I/c 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 and the compromise has been effected between the parties voluntarily, out of their free will, without any undue influence or coercion and is also not a result of fraud or misrepresentation.

Learned counsel for the petitioners, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. Petitioner No. 1 is the husband; whereas petitioners No. 2 and 3 are brother-in-law and sister-in-law (*Jeth and Jethani*) of respondent No. 2 complainant. Marriage of petitioner No. 1 with respondent No. 2-complainant was solemnized on 11.10.2020 and no child is born out of the said wedlock. Due to some misunderstanding and matrimonial discord, both petitioner No. 1 and respondent No. 2 could not live together as husband and wife and living separately since 25.02.2021. Now, better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 01.09.2023 (Annexure P-2), according to which both the parties have agreed not to proceed further with the FIR in question. Petitioner No. 1 and respondent No. 2-complainant have also filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for grant of decree of divorce by way of mutual consent which was allowed by the learned Family Court, Amritsar vide order dated 15.01.2024 (Annexure P-3) and petitioner No. 1 had also paid an amount of Rs.2,50,000/- towards



permanent alimony to respondent No. 2-complainant. Learned counsel submits that petitioners are the only accused in the present FIR and they 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, 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. 21 dated 26.05.2022 (Annexure P-1) registered under Sections 498-A and 120-B IPC at Police Station Women, District Amritsar and all the consequential proceedings arising therefrom on the basis of compromise dated 01.09.2023 (Annexure P-2) effected between the parties, are ordered to be quashed qua the petitioners.

07.05.2024
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(NIDHI GUPTA)
JUDGE

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