

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-10252-2024

Date of Decision: 03.05.2024

Major Vikram Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Malika Sethi Sobti, Advocate for the petitioners.

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

Ms. Gauri Handa, Advocate for

Mr. R.K. Handa, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioners who are husband (petitioner No. 1) and parents-in-law (petitioners No. 2 and 3) of complainant/respondent No. 2 have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 12 dated 28.12.2022 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women Cell, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise dated 02.08.2023 (Annexure P-2).

Pursuant to the order dated 20.03.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, SAS Nagar, to get their statements recorded. Learned Judicial Magistrate Ist Class, SAS Nagar, has submitted her report along with copies of statements of the parties vide letter dated 20.04.2024 duly forwarded by the learned District and Sessions Judge, SAS Nagar.

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, without any threat or coercion and undue influence and out of their own free will.

Learned counsel for the petitioners, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. Marriage of the petitioner No. 1 with complainant/respondent No.2 was solemnized on 15.01.2022 and no child was born out of the said wedlock. Due to temperamental difference, 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 02.08.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question and decided to part away mutually and peacefully. It is also submitted that a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent has also been filed before the Family Court, concerned, wherein first motion statements of the parties have already been recorded on 07.08.2023 and the second motion statement has also been recorded on 26.02.2024. It is submitted that as per the compromise, Rs.30,50,000/- in total have been paid to the complainant/respondent No. 2. Further, it is submitted that the petitioner are the only accused in the present case 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, SAS Nagar, 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. 12 dated 28.12.2022 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women Cell, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise dated 02.08.2023 (Annexure P-2), are ordered to be quashed qua the petitioners.

03.05.2024
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(NIDHI GUPTA)
JUDGE

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