

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212

CRM-M-10477-2024

Date of Decision: 03.05.2024

Ashish Gupta

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vishal Thakur, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Kapil Kumar, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner who is the husband of complainant/ respondent No. 2 has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 74 dated 14.03.2019 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise dated 06.12.2023 (Annexure P-2).

Pursuant to the order dated 28.02.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Ludhiana, to get their statements recorded. Learned Judicial Magistrate Ist Class, Ludhiana, has submitted his report along with statements of the parties vide letter dated 27.03.2024 duly forwarded by the learned District and Sessions Judge, Ludhiana.

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 and without any coercion or undue influence.

Learned counsel for the petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner is the husband of complainant/respondent No. 2. Marriage of the petitioner with complainant/respondent No.2 was solemnized on 15.08.2010 and one son was born out of the said wedlock, who is currently in the care and custody of the petitioner. Due to matrimonial discord between the parties, the present FIR was got lodged by complainant/respondent No. 2. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 06.12.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. 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. As per compromise, the petitioner had also paid Rs.1,00,000/- out of the total settled amount of Rs.2,00,000/- to respondent No. 2 at the time of recording for first motion statement of the parties and he shall pay the remaining amount of Rs.1,00,000/- at time of recording of second motion statement of the parties. Further, it is submitted that initially, the complaint was filed against 04 persons i.e. the present petitioner/husband, parents-in-law and one Meenu Sethi, Counsellor,

however, FIR has been registered only against the present petitioner. It is further submitted that the petitioner has 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 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, Ludhiana, 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. 74 dated 14.03.2019 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise dated 06.12.2023 (Annexure P-2), are ordered to be quashed qua the petitioner.

03.05.2024
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(NIDHI GUPTA)
JUDGE

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