



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

219

CRM-M-9594-2020

Date of Decision: 20.05.2024

Puneet Jain and others

.... Petitioners

Versus

Dhara Jain and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sachin Jain, Advocate for the petitioners.

Mr. Ankur Jain, Advocate for respondent No.1.

Mr. S.S.Chahal, A.A.G., Punjab for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C. for quashing of Criminal Complaint No. 20 dated 19.09.2017 (Annexure P-1) titled as 'Dhara Jain vs. Puneet Jain and others', under Sections 406, 498-A, 323, 354, 294, 506, 148 and 149 IPC pending in the Court of learned Judicial Magistrate Ist Class, Ludhiana and all consequential proceedings arising therefrom including the summoning order dated 05.06.2018 (Annexure P-2) under Sections 406, 420, 498-A, 323 and 506 IPC, on the basis of compromise dated 21.08.2019 (Annexure P-3) effected between the parties.

Pursuant to the order dated 09.05.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana to get their statements recorded. Learned Judicial Magistrate 1st Class, Ludhiana has submitted his report vide letter dated 03.06.2023, duly forwarded by learned District and Sessions Judge, Ludhiana on 07.06.2023. As per the said report, only



petitioner No. 1-Puneet Jain and respondent No. 1-complainant have appeared and suffered statements with respect to the compromise, which have been found to be valid, genuine, voluntary and without any coercion or undue influence. Petitioners No. 2 to 4, namely, Kiran Jain, Madhu Jain, Geetika Jain and Rohit Jain, have not appeared for recording their statements. Pursuant to the order dated 19.03.2024 of this Court, petitioners No. 2 to 4 were again directed to appear before the learned Judicial Magistrate 1st Class, Ludhiana for recording their statements with regard to compromise. Learned Judicial Magistrate 1st Class, Ludhiana, has submitted his report along with statements of the parties vide letter dated 20.04.2024 duly forwarded by the learned District & Sessions Judge, Ludhiana on 25.04.2024.

A perusal of the above said report would show that the petitioners No. 2 and 4 (through VC) and petitioners No. 3 and 5 have appeared and suffered statements with respect to the compromise, which have been found to be valid, genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, all the petitioners are party to the compromise. They have never been declared as proclaimed offenders. They are not involved in any other case.

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 1st Class, Ludhiana, this Court finds that the matter has been amicably settled between the petitioners and respondent No. 1. 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 Criminal Complaint No. 20 dated 19.09.2017 (Annexure P-1) titled as ‘Dhara Jain vs. Puneet Jain and others’, under Sections 406, 498-A, 323, 354, 294, 506, 148 and 149 IPC pending in the Court of learned Judicial Magistrate Ist Class, Ludhiana and all consequential proceedings arising therefrom including the summoning order dated 05.06.2018 (Annexure P-2) under Sections 406, 420, 498-A, 323 and 506 IPC, on the basis of compromise dated 21.08.2019 (Annexure P-3), are ordered to be quashed qua the petitioners.

20.05.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

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