



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-12536-2024 (O&M)

Date of Decision: 17.07.2024

Harpreet Singh and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Ramandeep Kaur Suhaag, Advocate for the petitioners.

Ms. Rishu Madan, AAG, Punjab.

Mr. Sumit Chahal, Advocate for the respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Vakalatnama filed on behalf of respondent No. 2 is taken on record.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 0055 dated 29.06.2023 (Annexure P-1) registered under Sections 406 and 498A at Police Station Chamkaur Sahib, District Rupnagar and all consequential proceedings arising therefrom, on the basis of compromise dated 08.01.2024 (Annexure P-2), entered into between the parties.

Pursuant to the order dated 12.03.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Rupnagar, to get their statements recorded. Learned Judicial Magistrate



Ist Class, Rupnagar, has submitted his report along with statements of the parties vide letter dated 10.07.2024 duly forwarded by the learned District and Sessions Judge, Rupnagar.

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 and without any coercion and undue influence.

Learned counsel for the petitioners *inter alia* submits that petitioner No.1 was married to respondent No.2 on 23.06.2020. Due to temperamental differences, the parties could not live together and are residing separately since the first week of September, 2022. FIR in question was lodged by respondent No.2/complainant against the present petitioners. However, now with the intervention of respectables, both the parties have decided to amicably resolve the dispute vide compromise dated 08.01.2023 (Annexure P2). It is further submitted that petitioner No.1 and respondent No.2 have filed a petition under Section 13-B of the Hindu Marriage Act, 1955 for decree of divorce by mutual consent before the Court of learned Principal Judge, Family Court, Rupnagar, wherein first and second motion statements of the parties have also been recorded. It is further submitted that challan has already been filed in the present case only against the petitioners and charges are yet to be framed. Petitioners and respondent No.2 are parties to the above said compromise and none of the accused/petitioners has been declared as Proclaimed Offender in the present matter.



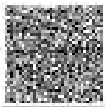
Learned State counsel has stated that he has ‘no objection’ in case the FIR is quashed on the basis of compromise qua the petitioners.

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, Rupnagar, 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. 0055 dated 29.06.2023 (Annexure P-1) registered under Sections 406 and 498A at Police Station Chamkaur Sahib, District Rupnagar and all consequential proceedings arising therefrom, on the basis of compromise dated 08.01.2024 (Annexure P-2), entered into between the parties, entered into between the parties, are ordered to be quashed qua the petitioners.

17.07.2024
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(NIDHI GUPTA)
JUDGE

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