

2024:PHHC:085884



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

277

CRM-M-12505-2024

Date of Decision: 10.07.2024

Rajvir Dhol and another Petitioners
Versus

State of Punjab and another Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Gurbir Singh Sidhu, Advocate for the petitioners.
Ms. Aakanksha Gupta, AAG Punjab.
Mr. Mohit Kumar, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 47 dated 03.09.2021 (Annexure P-1) registered under Sections 498-A, 406 and 120-B IPC at Police Station NRI, District SAS Nagar (Mohali) and all the consequential proceedings arising therefrom on the basis of compromise dated 03.01.2024 (Annexure P-2).

Pursuant to the order dated 12.03.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, SAS Nagar (Mohali), to get their statements recorded. Learned Judicial Magistrate Ist Class, SAS Nagar (Mohali), has submitted his report along with copies of statements of the parties vide letter dated 18.5.2024 duly forwarded by the learned District and Sessions Judge, SAS Nagar (Mohali).

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 petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner No.1 is the husband; whereas petitioners No. 2 is brother-in-law of the complainant/ respondent No. 2 herein. Marriage of the petitioner No. 1 with complainant/respondent No.2 was solemnized on 24.4.2015 and one daughter was born out of the said wedlock on 7.5.2017. Due to temperamental differences, the parties could not cohabit together and started residing separately since July, 2017. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 3.1.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. Further, it is submitted that initially five persons were named in the FIR, however, challan has been filed only against the present petitioners. It is further submitted that the petitioners have never been declared as proclaimed offenders.

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 (Mohali), 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*

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. 47 dated 03.09.2021 (Annexure P-1) registered under Sections 498-A, 406 and 120-B IPC at Police Station NRI, District SAS Nagar (Mohali) and all the consequential proceedings arising therefrom on the basis of compromise dated 3.1.2024 (Annexure P-2), are ordered to be quashed qua the petitioners.

10.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No