

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-39332-2024 in  
CRM-M-12838-2024

Date of Decision: 03.10.2024

Lalit Kumar

.... Petitioner

Versus

State of Punjab and another

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Jatinder Jit Singh, Advocate for the applicant-petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

Mr. Jatin Bansal, Advocate for respondent No. 2.

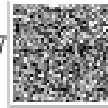
**NIDHI GUPTA, J. (ORAL)**

**CRM-39332-2024**

Prayer in this application filed under Section 482 Cr.P.C. is for preponing the date of hearing in the main case from 06.05.2025 to an early date for final disposal.

Heard.

For the reasons mentioned in the application which is supported by an affidavit of learned counsel for the applicant-petitioner, the same is allowed and the date of hearing in the main case is preponed from 06.05.2025 to today itself.



**CRM-M-12838-2024**

With the consent of learned counsel for the parties, the present petition is taken up for hearing for final disposal.

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 0226 dated 04.09.2020 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Batala City, Batiala, District Gurdaspur and all consequential proceedings arising therefrom, on the basis of compromise dated 13.12.2023 (Annexure P-2), arrived at between the parties.

Pursuant to the order dated 27.05.2024 passed by this Court, the parties have appeared before the learned Sub Divisional Judicial Magistrate Batala, to get their statements recorded. Learned Sub Divisional Judicial Magistrate Batala, has submitted his report along with statements of the parties vide letter dated 17.07.2024 duly forwarded by the learned District and Sessions Judge, Gurdaspur.

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 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 is the husband of the complainant/respondent No.2 herein. Marriage of the petitioner with complainant/

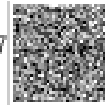


respondent No.2 was solemnized on 06.2.2013 and two daughters were born out of the said wedlock on 14.12.2018. Due to temperamental differences, the parties could not cohabit together and started residing separately since 19.4.2020. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 13.12.2023 (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 the parties have been granted divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955, vide judgment and decree dated 03.07.2024 (Annexure P-4) passed by the learned Family Court, Gurdaspur, Camp Court at Batala. Learned counsel for the petitioner submits that all the disputes between the parties stand settled for a sum of Rs.36,00,000/- to be paid by petitioner-husband to respondent No. 2-complainant towards full and final settlement, which the petitioner had already paid to respondent No. 2-wife. Further, it is submitted that initially 05 persons were named in the FIR, however, challan has been presented only against the present petitioner and he 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 Sub Divisional

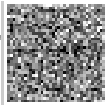


Judicial Magistrate Batala, this Court finds that the matter has been amicably settled between the petitioner and respondent No. 2. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve 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. 0226 dated 04.09.2020 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Batala City, Batiala, District Gurdaspur and all consequential proceedings arising therefrom, on the basis of compromise dated 13.12.2023 (Annexure P-2), arrived at between the parties, are ordered to be quashed qua the petitioner.

03.10.2024  
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( NIDHI GUPTA )  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |