



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

266

CRM-M-12945-2024

Date of Decision: 18.07.2024

Sahibjit Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vipin Kumar, Advocate for the petitioner.

Ms. Rishu Madan, AAG, Punjab.

Mr. Ranjivan Singh, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

1. The petitioner who is the husband of respondent No. 2-complainant, has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 23 dated 17.04.2018 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, Jalandhar, District Police Commissionerate, Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise dated 26.07.2023 (Annexure P-2), arrived at between the parties.

2. Learned counsel for the petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. Marriage of the petitioner with complainant/respondent No.2 was solemnized on 20.04.2008 (inadvertently mentioned as 20.04.2018 in the



order dated 13.03.2024) and two children were born out of the said wedlock, who are currently in the care and custody of the petitioner. Due to temperamental differences, the parties could not cohabit together and started residing separately. Now, better sense has prevailed between the parties and in order to live peacefully, parties have entered into a compromise dated 26.07.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. Vide judgment and decree dated 29.01.2024 (Annexure P-3) the parties have also been granted divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955. The petitioner has also paid the entire settlement amount of Rs.3,80,000/- to respondent No. 2-complainant towards full and final settlement. Further, it is submitted that petitioner is the only accused in the present case and he has never been declared as proclaimed offender.

3. Pursuant to the notice of motion order dated 13.03.2024, passed by this Court, Mr. Ranjivan Singh, Advocate has put in appearance on behalf of respondent No. 2-complainant and files his memo of appearance which is taken on record.

4. Learned counsel for respondent No. 2 fairly admits the factum of compromise between the parties as also the payment of Rs.3,80,000/- by the petitioner to respondent No. 2-complainant towards permanent alimony. However, learned counsel submits that now respondent No. 2-complainant has some reservations about the compromise.



5. On the other hand, learned State counsel has stated that he has ‘no objection’ in case the FIR is quashed on the basis of compromise qua the petitioner.

6. This Court has heard the learned counsel for the parties and has perused the file.

7. In view of the above, this Court finds that the matter has been settled between the petitioner and respondent No. 2. The petitioner and respondent No. 2 have already been granted decree of divorce by way of mutual consent vide judgment and decree dated 29.01.2024 (Annexure P-3) and the petitioner had also paid the entire agreed amount of Rs.3,80,000/- to the complainant/respondent No. 2 in terms of para 1 of the Compromise dated 26.07.2023 (Annexure P-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.

8. At this stage, reference may be made to the judgment of *“Ruchi Agarwal Vs. Amit Kumar Agrawal” Law Finder Doc ID # 78949; and Mohd. Shamim v Smt. Nahid Begum, Law Finder Doc Id # 81379*, wherein it has been held that in criminal/civil litigation between the husband and wife, once the parties have entered into compromise and have sought divorce by mutual consent, if the wife does not withdraw FIR under Sections 498-A and 506 IPC then it is clear that the wife wants to harass the husband even after getting the relief and in such cases FIR ought to be quashed.



9. In ***Ruchi Agarwal's case (supra)***, the wife filed SLP before the Hon'ble Supreme Court challenging the order of the Hon'ble Uttaranchal High Court whereby criminal complaint filed by the wife against the respondent husband was quashed. Facts were similar therein as the appellant-wife had resiled from compromise. In these circumstances, the Hon'ble Supreme Court quashed the FIR registered under Sections 498A, 323 and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act. Para 8 of said judgment reads as under:-

"8. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue. Therefore, we are of the considered opinion to do complete justice, we should while dismissing this appeal also quash proceedings arising from the Criminal Case No. Cr. No. 224/2003 registered in Police Station, Bilaspur, (Distt. Rampur) filed under sections 498A, 323 and 506 Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act against the respondents herein. It is ordered accordingly. The appeal is disposed of".

10. In ***Mohd. Shamim's case (supra)*** Hon'ble Supreme Court held as under: -

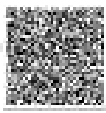
"A. Criminal Procedure Code, Section 320-Indian Penal Code, Section 406 and 498A - Compounding of offence - FIR under Sections 498A, 406 Indian Penal Code-Wife entering into settlement at intervention of court and accepting Rs. 2.25 lacs from husband - Wife backed out - FIR quashed - In view of conduct of wife, continuance of proceedings would be abuse of process of Court.



B. Criminal Procedure Code, Sections 320 and 482 - Indian Penal Code, Sections 498A and 406 - Compounding of offence-FIR under Sections 498A, 406 Indian Penal Code-Parties entering into settlement at the intervention of trial Judge- Wife accepted Rs. 2.25 lacs and another sum of 50,000 to be paid at the time of quashing the FIR- Petition for quashing of FIR-Wife backed out and stated agreement and affidavit were got signed by misrepresentation - FIR quashed - In view of conduct of wife continuance of Criminal proceedings would be an abuse of process of the Court. 2004(4) RCR (Criminal) 949 (SC) relied”.

11. 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.

12. 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.”

13. In view of what has been discussed here-in-above, this petition is allowed and FIR No. 23 dated 17.04.2018 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, Jalandhar, District Police Commissionerate, Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise dated 26.07.2023 (Annexure P-2), arrived at between the parties, are ordered to be quashed qua the petitioner.

18.07.2024
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(NIDHI GUPTA)
JUDGE

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