



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-14507-2023 (O&M)

Date of Decision: 25.09.2024

Sallem Zameer and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Aman Mittal, Advocate for the petitioners.

Mr. Akshay Kumar, A.A.G., Punjab.

Mr. G.S.Sandhu, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioners, who are the husband and mother-in-law of the complainant/respondent No.2 herein, has filed the instant petition under Section 482 Cr.P.C. for quashing of FIR No.110 (Annexure P-1) dated 18.12.2022 under Section 406, 498-A of Indian Penal Code at P.S. Women District Patiala and all other consequential proceedings arising out of it, on the basis of Statement in Bail Application bearing No. 12/2023 (Annexure P-2) dated 31.01.2023; and statement in Divorce Petition Bearing No. DMC/184/2023 U/s Section 2 of Muslim Personal Law (Shariat) Application Act 1937 read with 7(1) (b) of Family Courts Act (Annexure P-3) dated 17.02.2023 arrived at between petitioners/accused and the complainant/respondent No.2.

Pursuant to the order dated 22.03.2023 passed by a



Coordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate, 1st Class, Patiala, to get their statements recorded. Learned Judicial Magistrate, 1st Class, Patiala, has submitted her report along with copies of statements of the parties vide letter dated 28.04.2023 duly forwarded by the learned District and Sessions Judge, Patiala.

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 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. The petitioners and respondent No.2 are the only party to the compromise. As per the report, the petitioners have never been declared as proclaimed offenders and there is no other criminal case pending against the petitioners.

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, Patiala, 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.110 (Annexure P-1) dated 18.12.2022 under Section 406, 498-A of Indian Penal Code at P.S. Women District Patiala and all other consequential proceedings arising out of it, on the basis of Statement in Bail Application bearing No. 12/2023 (Annexure P-2) dated 31.01.2023; and statement in Divorce Petition Bearing No. DMC/184/2023 U/s Section 2 of Muslim Personal Law (Shariat) Application Act 1937 read with 7(1) (b) of Family Courts Act (Annexure P-3) dated 17.02.2023, are ordered to be **quashed** qua the petitioners.

Pending application, if any, stands disposed of.

25.09.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

**Whether speaking/reasoned
Whether Reportable**

**Yes/No
Yes/No**