

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-14252-2023

Date of Decision: 30.04.2024

Tanpreet Singh and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. IPS Kohli, Advocate
for the petitioners (through video conferencing).

Mr. S.S. Chahal, AAG, Punjab.

Mr. Sidharth Maini, Advocate for
Mr. Sarabjeet Singh, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioners who are husband (petitioner No. 1) and mother-in-law (petitioner No. 2) of complainant/respondent No. 2 have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 0002 dated 29.02.2020 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise dated 04.03.2023 (Annexure P-2).

Pursuant to the order dated 21.03.2023 passed by a co-ordinate Bench of this Court, the parties 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 statements of the parties vide letter dated 05.06.2023 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, correct and voluntary and so entered into by the parties without any pressure from anyone and out of their own will and compromise is not the result of any fraud or misrepresentation.

Learned counsel for the petitioners, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. Marriage of the petitioner No. 1 with complainant/respondent No.2 was solemnized on 30.12.2016 and no child was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately since 25.04.2019. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 04.03.2023 (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 vide judgment and decree dated 15.09.2023, the parties have been granted divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955. Further, it is submitted that the present petitioners are the only accused in the present case and they have never been declared as proclaimed offender(s). Learned counsel for the petitioners also submits that petitioner No. 1 had already paid the entire agreed amount of Rs.12,50,000/- as per compromise to respondent No. 2-wife and nothing remains due towards him.

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 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. 0002 dated 29.02.2020 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, District SAS Nagar and all the consequential proceedings arising therefrom, on the basis of compromise dated 04.03.2023 (Annexure P-2), are ordered to be quashed qua the petitioners.

30.04.2024
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(NIDHI GUPTA)
JUDGE

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