

CRM-M-14772-2023

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2024:PHHC:067681



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-14772-2023

Date of Decision: 14.05.2024

Manoj Phulara and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Deepak Thapar, Advocate for the petitioners.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Alakh Bhatt, 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. 77 dated 02.04.2015 (Annexure P-1) registered under Sections 323, 498-A, 406 and 506 read with Section 34 IPC and all the consequential proceedings arising therefrom on the basis of compromise arrived at between the parties on the terms and conditions being incorporated in the joint petition dated 25.01.2023 (Annexure P-2) filed under Section 13-B of the Hindu Marriage Act, 1955 (for short 'the Act').

Pursuant to the order dated 31.10.2023 passed by a co-ordinate Bench of this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Rohtak, to get their statements recorded. Learned Judicial Magistrate Ist Class, Rohtak, has submitted his report along with statements of the parties vide letter dated



16.01.2024 duly forwarded by the learned District and Sessions Judge, Rohtak.

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 without any coercion or undue influence, and the compromise entered by them is genuine.

Learned counsel for the petitioners, *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 and petitioners No. 2 and 3 are the parents-in-law of respondent No. 2-complainant. Marriage of petitioner No. 1 with respondent No. 2-complainant was solemnized on 30.11.2013 and one daughter was born out of the said wedlock on 27.09.2014, who is in the care and custody of respondent No. 2-complainant. On account of temperamental differences, the parties could not cohabit together and started residing separately since 17.06.2014. Due to some misunderstanding, respondent No. 2-complainant had lodged the aforesaid FIR against the present petitioners. Now, the better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise, according to which both the parties have agreed not to proceed further with the FIR in question. Petitioner No. 1 and respondent No. 2 have already been granted divorce by way of mutual consent under Section 13-B of the Act, vide judgment and decree dated 28.02.2023 (Annexure P-5), passed by the learned Family Court, Rohtak. Further, it is



submitted that the petitioners are the only accused in the present FIR and they have never been declared as proclaimed offender(s).

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, Rohtak, 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. 77 dated 02.04.2015 (Annexure P-1) registered under Sections 323, 498-A, 406 and 506 read with Section 34 IPC and all the consequential proceedings arising therefrom on the basis of compromise arrived at between the parties on the terms and conditions being incorporated in the joint petition dated 25.01.2023 (Annexure P-2) filed under Section 13-B of the Act, are ordered to be quashed qua the petitioners.

14.05.2024
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(NIDHI GUPTA)
JUDGE

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