2024:PHHC:091153

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

269 CRM-M-16257-2024

Date of Decision: 18.07.2024

Rakesh and another

…. Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ketan Antil, Advocate for the petitioners.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. J.S. Thakur, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 62 dated 16.09.2019 (Annexure P-1) registered under Sections 323, 376, 377, 406, 498A and 506 read with Section 34 IPC (Section 376 IPC deleted and Section 354 added later on) at Police Station Women, District Sonepat, Haryana and all consequential proceedings arising therefrom, on the basis of compromise dated 25.10.2023 (Annexure P-2), entered into between the parties.

Pursuant to the order dated 04.04.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Sonipat, to get their statements recorded. Learned Judicial Magistrate Ist Class, Sonipat, has submitted his report along with statements of the

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parties vide letter dated 23.04.2024 duly forwarded by the learned District and Sessions Judge, Sonipat.

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, voluntary and without any coercion and undue influence.

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 petitioner No.2 is brother-in-law of the complainant/respondent No.2 herein. Marriage of the petitioner No.1 with complainant/respondent No.2 was solemnized on 26.06.2009 and two children were born out of the said wedlock. 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 compromise dated 25.10.2023 (Annexure P-2), according to which, oth the parties have agreed not to proceed further with the FIR in question. It is also submitted that a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent has also been filed before the Family Court, concerned, wherein first motion statements of the parties have already been recorded. Further, it is submitted that initially, four persons were named in the FIR, however, during investigation two out of them have been exonerated and the challan has been filed only against the present petitioners only. It is

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further submitted that the petitioners have never been declared as proclaimed offenders.

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 learned Judicial Magistrate Ist Class, Sonipat, 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

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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. 62 dated 16.09.2019 (Annexure P-1) registered under Sections 323, 376, 377, 406, 498A and 506 read with Section 34 IPC (Section 376 IPC deleted and Section 354 added later on) at Police Station Women, District Sonepat, Haryana and all consequential proceedings arising therefrom, on the basis of compromise dated 25.10.2023 (Annexure P-2), entered into between the parties, are ordered to be quashed qua the petitioners.

18.07.2024 **(NIDHI GUPTA)**
rishu **JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

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