

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

259

CRM-M-15471-2024 (O&M)

Date of Decision: 16.07.2024

Rakesh Manocha and others

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Karan Puggal, Advocate for the petitioners.

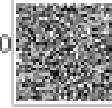
Ms. Rishu Madan, AAG, Punjab.

Mr. Sourabh, 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. 2 dated 13.03.2022 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Women, Tehsil and District Ferozepur and all consequential proceedings arising therefrom, on the basis of compromise dated 25.07.2022 (Annexure P-3), entered into between the parties.

Pursuant to the order dated 01.04.2024 passed by this Court, the parties have appeared before the learned Chief Judicial Magistrate, Ferozepur, to get their statements recorded. Learned Chief Judicial Magistrate, Ferozepur, has submitted his report along with copies of statements of the parties vide letter dated 12.07.2024 duly forwarded by



the learned District and Sessions Judge, Ferozepur.

A perusal of the above said report would show that the petitioner No. 1 and 2 and respondent No. 3 have appeared whereas petitioner No. 3 has appeared before the learned trial Court through Whatsapp 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 father-in-law, petitioner No. 2 is mother-in-law and petitioner No.3 is the husband the complainant/respondent No.2 herein. Learned counsel submits that petitioner No.3 is presently residing in Canada and has filed the present petition through his General Power of Attorney Holder i.e. his father namely Rakesh Manocha (petitioner No.1 herein). Learned counsel for the petitioners submits that this is the second petition filed for quashing of the FIR on the basis of compromise as the first one i.e. CRM-M-36876 of 2022 was dismissed as not pressed vide order dated 19.01.2023 as in that petition, which was also filed for quashing of FIR in question on the basis of compromise, respondent No.2/complainant did not appear before the learned trial Court to record her statement as at that time istridhan i.e. some gold articles were in possession of the petitioners.

Learned counsel submits that now, all the things have been sorted out. Marriage of the petitioner No.3 with complainant/respondent



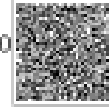
No.2 was solemnized on 07.12.2020 and no child was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 25.07.2022 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the FIR in question. It is agreed between the parties that they will file a petition under Section 13-B of Hindu Marriage Act amicably. It is submitted that the petitioners have paid the entire settled amount of Rs.9,50,000/- to respondent No. 2. Further, it is submitted that initially, one person was named in the FIR, however, after investigation two more persons i.e. father-in-law and mother-in-law of respondent No.2/complainant were arrayed as accused in the challan. It is 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 petitioners.

Learned counsel appearing for respondent No. 2 admits that the entire settlement amount of Rs.9,50,000/- has been received by respondent No. 2-complainant.

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

After perusing the report submitted by the learned Chief Judicial Magistrate, Ferozepur, this Court finds that the matter has been amicably settled between the petitioners and respondents 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. 2 dated 13.03.2022 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Women, Tehsil and District Ferozepur and all consequential proceedings arising therefrom, on the basis of compromise dated 25.07.2022 (Annexure P-3), entered into between the parties, are ordered to be quashed qua the petitioners.

16.07.2024
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(NIDHI GUPTA)
JUDGE

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