

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

268

CRM-M-16119-2024

Date of Decision: 18.07.2024

Dharambir

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Rehan Gupta, 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. 337 dated 20.04.2022 (Annexure P-1) registered under Sections 323, 34, 406, 498-A and 506 IPC at Police Station Azad Nagar, Hisar and all consequential proceedings arising therefrom, on the basis of compromise in the shape of petition under Section 13-B of HMA/Joint First Motion Statement dated 19.03.2024 (Annexures P-2 and P-3, respectively).

Pursuant to the order dated 03.04.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Hisar to get their statements recorded. Learned Judicial Magistrate Ist Class, Hisar, has submitted his report along with statements of the parties



vide letter dated 22.04.2024 duly forwarded by the learned District and Sessions Judge, Hisar.

A perusal of the above said report would show that the petitioner 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 petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner is the husband of the complainant/respondent No.2 herein. Marriage of the petitioner with complainant/respondent No.2 was solemnized on 02.04.2019 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 in the shape of petition under Section 13-B of HMA/Joint First Motion Statement dated 19.3.2024 (Annexures P-2 and P-3), according to which, both the parties have agreed not to proceed further with the FIR in question. It is submitted that the matter has been settled in a total sum of Rs.15,00,000/-, out of which half of the amount i.e. Rs.7,50,000/- has been paid by the petitioner to respondent No.2/complainant on the date of recording of first motion statement i.e. 19.3.2024 and rest of the amount would be paid on the date of recording of second motion statement. Further, it is submitted that initially, five persons were named in the FIR,



however, during investigation four out of them have been exonerated and the challan has been filed only against the present petitioner only. It is further submitted that the petitioner has never been declared as proclaimed offender.

Learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioner.

Learned counsel for respondent No. 2-complainant admits that though the complainant has received the total settlement amount of Rs.15,00,000/- from the petitioner, however, certain gold articles are yet to be recovered from him.

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

Hon'ble Supreme Court in **Bimla Tiwari vs. State of Bihar and others**, **Law Finder Doc ID # 2110551**, has held that "matter of grant of bail is not akin to money recovery proceedings", which has been relied upon by a co-ordinate Bench of this Court in its recent judgment dated 12.02.2024, passed in **CRM-M-60647-2023**, **'Varun Sharma vs. State of Punjab and another'**.

After perusing the report submitted by the learned Judicial Magistrate Ist Class, Hisar, this Court finds that the matter has been amicably settled between the petitioner 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.

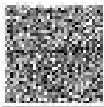


As per the Full Bench judgment of this Court in ***“Kulwinder Singh and others Vs State of Punjab”, 2007 (3) RCR (Criminal) 1052***, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of 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. 337 dated 20.04.2022 (Annexure P-1)



registered under Sections 323, 34, 406, 498-A and 506 IPC at Police Station Azad Nagar, Hisar and all consequential proceedings arising therefrom, on the basis of compromise in the shape of petition under Section 13-B of HMA/Joint First Motion Statement dated 19.03.2024 (Annexures P-2 and P-3, respectively), are ordered to be quashed qua the petitioner.

18.07.2024
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(NIDHI GUPTA)
JUDGE

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