



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**250**

CRM-M-17791-2024 (O&M)

Date of Decision: 05.08.2024

Nitin Gupta and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - Mr. Arnav Sood, Advocate for the petitioners.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Mr. S.S.Gill, Advocate for respondent No.2/complainant.

**NIDHI GUPTA, J. (ORAL)**

The petitioners who are the husband and parents-in-law of the respondent No.2 herein, have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.0546 dated 21.08.2016 (Annexure P-1) registered under Sections 323, 34, 498-A and 506 IPC at Police Station Sector 10, District Gurgaon and all other consequential proceedings arising therefrom on the basis of compromise/order dated 16.01.2024 (Annexure P-2) passed by learned Family Court, Sheopur, Madhya Pradesh.

Pursuant to the order dated 08.05.2024 passed by this Court, the parties appeared before the learned Chief Judicial Magistrate Gurugram, to get their statements recorded. Learned Chief Judicial Magistrate Gurugram, has submitted his report along with statements of the parties vide letter dated 29.05.2024 duly forwarded by the learned



District and Sessions Judge, Gurugram on 30.05.2024.

A perusal of the above said report would show that initially present FIR was registered against 5 persons namely (1) Nitin Gupta, (2) Pramod Gupta, (3) Lalita Gupta, (4) Chhitiz Gupta and (5) Divya Gupta wife of Chhitiz Gupta, all residents of House No. 1722 GF Sector-10 A, near Deepmala Apartment, Gurugram, however, challan was filed only against the present petitioners. The petitioners and respondent No. 2 have appeared and suffered statements with respect to the compromise, which have been found to be valid, genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. The petitioners and respondent No.2 are the only party to the compromise and have never been declared as proclaimed offenders. There is no other criminal case pending against the petitioners.

Learned counsel for respondent No. 2 admits the factum of compromise between the parties. He further submits that as per compromise/order dated 16.01.2024 (Annexure P-2), the matter has amicably been settled between the parties and petitioner No. 1-husband would pay an amount of Rs.20,00,000/- in total to respondent No. 2-complainant towards full and final settlement, out of which respondent No. 2 had already received half of the agreed amount i.e. Rs.10,00,000/-; and the remaining amount of Rs.10,00,000/- has already been deposited by petitioner No. 1-husband with Family Court, Sheopur, Madhya



Pradesh and the same shall be released to respondent No. 2-complainant after recording the second motion statement of parties for which the matter is pending adjudication for 10.08.2024 before the learned Family Court, Sheopur, Madhya Pradesh.

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 Chief Judicial Magistrate, Gurugram, 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.0546 dated 21.08.2016 (Annexure P-1) registered under Sections 323, 34, 498-A and 506 IPC at Police Station Sector 10, District Gurgaon and all other consequential proceedings arising therefrom on the basis of compromise/order dated 16.01.2024 (Annexure P-2), are ordered to be quashed qua the petitioners.

Pending application, if any, stands disposed of.

05.08.2024

Divyanshi

( NIDHI GUPTA )

JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |