

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-18031-2024

Date of Decision: 31.07.2024

Alsbir Hussan @ Arshbir Hussain

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Nippun Sharma, Advocate for the petitioner.

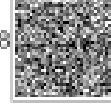
Ms. Rishu Madan, AAG, Punjab.

Mr. Mukesh Mehra, 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. 137 dated 10.07.2014 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Sultanpur Lodhi and all consequential proceedings arising therefrom, on the basis of compromise dated 04.09.2023 notarized on 13.09.2023 (Annexure P-3), effected between the parties.

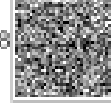
Pursuant to the orders dated 16.04.2024 passed by this Court, the parties have appeared before the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, has submitted her report along with copies of statements of the parties vide letter dated 26.07.2024 duly forwarded by the learned District and Sessions Judge,



Kapurthala.

A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared before the learned trial Court 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/Nikah of the petitioner with complainant/respondent No.2 was solemnized on 28.08.2012 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 13.09.2023 (Annexure P-3), according to which, both the parties have agreed not to proceed further with the FIR in question. The matter has been sorted out in a total sum of Rs.9,00,000/- to be paid to the complainant by the petitioner. It is informed by learned counsel for the petitioner that vide order dated 13.02.2017 passed by learned Judicial Magistrate 1st Class, Sultanpur Lodhi, the petitioner was declared proclaimed offender and vide order dated 12.02.2024 passed by this Court in CRM-M-7044-2024, the said order dated 13.02.2017 has been set aside. Learned counsel further submits that vide judgment dated



24.02.2023 (Annexure P-2) passed by learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, co-accused, namely, Imran Khan, Mohamad Husain and Fazila Begum have already been acquitted.

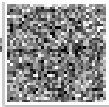
Learned State counsel has stated that she has ‘no objection’ in case the FIR is quashed on the basis of compromise qua the petitioner.

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

After perusing the report submitted by the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, 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. 137 dated 10.07.2014 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Sultanpur Lodhi and all consequential proceedings arising therefrom, on the basis of compromise dated 04.09.2023 notarized on 13.09.2023 (Annexure P-3), effected between the parties, are ordered to be quashed qua the petitioner.

31.07.2024
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(NIDHI GUPTA)
JUDGE

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