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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18348-2024 (O&M)
Date of decision: 23.07.2024

Narinder Singh and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. N.K. Manchanda, Advocate
for the petitioners.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR, J.

1. Present petition is preferred under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') seeking quashing of FIR No.72 dated 16.06.2020 under Section 498-A of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Sadar Rajpura, District Patiala (Annexure P-1) and all the consequential proceedings arising therefrom qua the petitioner.
2. Brief facts of the case are that FIR (*supra*) was registered on the basis of a complaint filed by respondent No.2, wherein it was alleged that her

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marriage was solemnized with petitioner No.1 on 19.08.2018 according to Sikh rites and rituals and out of this wedlock, no child was born. As per the allegations contained in the FIR, the petitioners harassed respondent No.2 and physically assaulted her. Further, the petitioners entangled with respondent No.2 and her father and they threatened to kill them. The petitioners demanded dowry and on the earlier occasion, parents of respondent No.2 gave Rs.50,000/- and they also demanded more money and motorcycle and threatened her to kill her, if she would come without the money and motorcycle. The petitioners are influential persons and respondent No.2 belongs to a very poor family. With the intervention of Fuffar of respondent No.2 and respectable persons of the society, her father sent her with her in-laws. With these averments, a prayer was made to register the FIR and FIR (*supra*) was got registered.

3. Learned counsel for the petitioners, *inter alia*, contends that due to temperamental differences, the parties are living separately since 30.08.2019 and in order to resolve the dispute, a panchayati compromise was effected between petitioner No.1 and respondent No.2 on 05.02.2022 and in this compromise, it was settled that all the pending cases, complaint etc. between them will be withdrawn and petitioner No.1 will file a petition seeking quashing of FIR (*supra*) on the basis of compromise and respondent No.2 will be bound to record her statement in this regard. Even as per terms

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and conditions of said compromise, petitioner No.1 and respondent No.2 filed a joint petition under Section 13-B of Hindu Marriage Act, 1955 seeking divorce by way of mutual consent before learned Principal Judge, Family Court, Camp Court, Rajpura and after recording statement of respondent No.2 that she has received money, jewellery and articles etc., the same was accepted vide order dated 17.02.2023 (Annexure P-3) and marriage between petitioner No.1 and respondent No.2 was dissolved by passing a decree of divorce by way of mutual consent. It is further contended that the petitioners fulfilled all the terms and conditions of the compromise (Annexure P-2) and they approached respondent No.2 so many times for filing a petition seeking quashing of FIR (*supra*) on the basis of compromise (Annexure P-2), but she is not coming forward and even refused to cooperate with the petitioners just to harass them and she backed out from the compromise and is not withdrawing the criminal proceedings pending against the petitioners. The trial of FIR (*supra*) is still pending before learned Judicial Magistrate 1st Class, Rajpura. Learned counsel for the petitioners relies upon a judgment of the Hon'ble Supreme Court in ***Mohd. Shamim Vs. Smt. Nahid Begum, 2005(1) RCR (Crl.) 697*** and contends that case of the petitioners is squarely covered by the aforesaid judgment and as such, FIR (*supra*) is liable to be quashed.

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4. Learned State counsel could not controvert the factual position and on instructions from the Investigating Officer, he submits that the parties have entered into a panchayati compromise dated 05.02.2022 (Annexure P-2).

5. Office report indicates that respondent No.2 has been duly served. However, there is no representation on her behalf.

6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, this Court finds merits in the present petition.

7. In ***Mohd. Shamim***'s case (supra), the Hon'ble Supreme Court rendered held that in case, compromise had been entered into between the parties and amount has been received by the complainant, the continuation of the proceedings will be nothing but misuse of process of law, even if the complainant later on backed out. In the cited authority, it was held as under: -

*"14. This Court in **Ruchi Agarwal Vs. Amit Kumar Agrawal and Ors. 2004 (4) RCR (Criminal) 949 (SC); 2004 (8) Supreme 525**, in almost a similar situation has quashed a criminal proceeding against the husband, stating:*

"...Therefore, we are of the opinion that the appellant having received the relief she wanted without contest on the basis of the terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this

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appeal arises was filed by the wife only to harass the respondents.

8. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue. ."

15. In view of the conduct of the First Respondent in entering into the aforementioned settlement, the continuance of the criminal proceeding pending against the Appellants, in our opinion, in this case also, would be an abuse of the process of the court. The Appellant No.1, however, would be entitled to withdraw the sum of Rs.50,000/- which has been deposited in the court. We, therefore, in exercise of our jurisdiction under Article 142 of the Constitution of India direct that the impugned judgment be set aside. The First Information Report lodged against the Appellants is quashed. The Appeal is allowed. However, this order should not be treated as a precedent."

8. This Court in ***Ram Lal and others Vs. State of Haryana and another, 2008 (2) RCR (Criminal) 823***, has also held that when parties entered into compromise, but one of the parties backed out for no reasons, FIR deserves to be quashed despite backing out of the party. Similar view has been taken in ***Deepak Arora Vs. State of Haryana and another, 2015(7) RCR (Criminal) 649*** and ***Nishan Singh Vs. State of Punjab and another, 2018 (4) Law Herald 3393***.

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9. Keeping in view the facts and circumstances of the case in hand and ratio of law laid down by the Hon'ble Supreme Court as well as by this Court in the cases referred to above and also considering the fact that respondent No.2 is not coming forward to record her statement that she has already received the entire amount as per compromise, it is held that continuation of the proceedings against the petitioners pursuant to FIR (*supra*) shall be gross misuse of process of law.

10. Accordingly, present petition is allowed and FIR No.72 dated 16.06.2020 under Section 498-A of IPC, registered at Police Station Sadar Rajpura, District Patiala and all the subsequent proceedings arising out of the same are quashed, qua the petitioners.

11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

23.07.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No