

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2024:PHHC:091928

269

CRM-M-21141-2024

Date of Decision: 22.07.2024

Rahul Jain

.... Petitioner

Versus

State of UT (Chandigarh) and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Narender Singh Kamboj, Advocate for the petitioner.

Mr. Viranjeet Singh Mahal, Addl. PP for UT Chandigarh.

Mr. Kshitiz Goel, Advocate for

Mr. Rahul Bansal, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.13 dated 29.1.2021 (Annexure P-1) registered under Sections 354-A, 354-D and 506 IPC, at Police Station West Sector 11, Chandigarh and all the consequential proceedings arising therefrom on the basis of compromise dated 1.3.2021 (Annexure P-2).

Pursuant to the order dated 30.4.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Chandigarh to get their statements recorded. Learned Judicial Magistrate Ist Class, Chandigarh, has submitted his report along with copies of statements of the parties vide letter dated 20.5.2024 duly forwarded by the learned District and Sessions Judge, Chandigarh.

A perusal of the above said report would show that the petitioners 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 petitioner was under a misapprehension that he was married to the complainant/respondent No.2 herein and was claiming himself to be her husband and used to stalk and follow her everywhere. It is submitted that however, the complainant was already married to someone else. It is submitted that accordingly the complainant has registered the present FIR as well as two other FIR No. 6 dated 20.1.2019 and FIR No. 386 dated 29.10.2020. Learned counsel further submits that now all the matters have been settled between the parties vide compromise deed dated 1.3.2021 (Annexure P2) wherein the petitioner has admitted that he was never married to the complainant.

Learned State counsel has stated that he 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 Judicial Magistrate Ist Class, Chandigarh, 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.13 dated 29.1.2021 (Annexure P-1) registered under Sections 354-A, 354-D and 506 IPC, at Police Station West Sector 11, Chandigarh and all the consequential proceedings arising therefrom on the basis of compromise dated 1.3.2021 (Annexure P-2), are ordered to be quashed qua the petitioners.

22.07.2024

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Whether speaking/reasoned

Whether Reportable

yes

No

**(NIDHI GUPTA)
JUDGE**