

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

262

CRM-M-19174-2024

Date of Decision: 06.08.2024

Satnam Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Gagandeep Kaur, Advocate for
Mr. Barjinder Singh, Advocate for the petitioner.

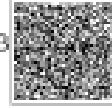
Ms. Rishu Madan, AAG, Punjab.

Mr. R.S. Dhillon, Advocate for
Mr. Chetan Kapoor, 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. 006 dated 21.06.2019 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station NRI Patiala, District Patiala and all consequential proceedings arising therefrom, on the basis of compromise dated 22.05.2023 (Annexure P-2).

Pursuant to the order dated 22.04.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Patiala, to get their statements recorded. Learned Judicial Magistrate Ist Class, Patiala, has submitted his report along with statements of the parties vide letter dated 06.05.2024 duly forwarded by the learned I/c District and Sessions Judge, Patiala.



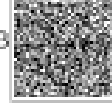
A perusal of the above said report would show that the petitioner (through Video Conferencing) and respondent No. 2 have appeared before the learned trial Court and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioner, *inter alia*, submits that the petitioner was married to respondent No.2/complainant on 15.10.2014. One daughter was born out of this wedlock, who is currently in the care and custody of respondent No.2/complainant. Due to matrimonial discord, present FIR was registered however, the matter stands compromised between the parties vide compromise dated 22.05.2023 (Annexure P-2). Three persons were named in the present FIR i.e. the petitioner and his parents. It is further submitted that earlier, parents of the petitioner filed CRM-M-28792-2023 seeking quashing of FIR on the basis of compromise qua them; and the same was allowed by this Court vide order dated 05.10.2023 (Annexure P-4).

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, Patiala, 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. 006 dated 21.06.2019 (Annexure P-1)

registered under Sections 498-A and 406 IPC at Police Station NRI Patiala, District Patiala and all consequential proceedings arising therefrom, on the basis of compromise dated 22.05.2023 (Annexure P-2), are ordered to be quashed qua the petitioner.

06.08.2024

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(NIDHI GUPTA)

JUDGE

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