



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

228-2

CRM-M-19364-2023 (O&M)

Date of Decision: 28.11.2024

Manjit Kaur and another

.... Petitioners

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Piyush Sharma, Advocate for the petitioners.

Ms. Aakanksha Gupta, A.A.G., Punjab.

Mr. Mandeep Singh, Advocate for
respondents No. 2 and 3 through V.C.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 45 dated 18.06.2019 (Annexure P-2) registered under Sections 406 and 498-A IPC at Police Station Women and all consequential proceedings arising therefrom, on the basis of Compromise Deed dated 02.02.2022 (Annexure P-4) effected between the parties.

Pursuant to the order dated 19.07.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Jalandhar to get their statements recorded. Learned Judicial Magistrate 1st Class, Jalandhar has submitted her report along with statements of the parties vide letter dated 21.08.2024 duly forwarded by the learned District and Sessions Judge, Jalandhar on 28.08.2024.

A perusal of the above said report would show that the



petitioners and respondents No. 2 and 3 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. There is no other criminal case pending against the petitioners. The petitioner No.2, namely, Harpreet Singh has been declared as proclaimed person. Respondent No.2 is the complainant and respondent No.3 is the victim in the present FIR. The petitioners and respondents No.2 and 3 are the only party to the compromise.

Learned counsel for the petitioners submits that vide order dated 19.07.2024 passed in a connected petition bearing No. CRM-M-28390-2024, order dated 20.01.2020 declaring the petitioner, namely, Harpreet Singh (petitioner No.2 herein) as proclaimed person was set aside and he was directed to surrender before the learned trial Court/Duty Magistrate within a period of 01 month **i.e. on or before 20.08.2024**. The petitioner No.2 had duly appeared before the learned Judicial Magistrate 1st Class, Jalandhar on 13.08.2024, and he was granted regular bail. Even the costs of Rs.10,000/- as imposed upon the petitioner, was also deposited with the Punjab and Haryana High Court Lawyers' Welfare Association Fund, Chandigarh. Vide order of even date, the said petition i.e. CRM-M-28390-2024 has been disposed of.

Learned counsel for the State, on instructions from ASI Vijay Kumar, informs this Court that in compliance of order dated 19.07.2024 passed in CRM-M-28390-2024, the petitioner (petitioner No.2 herein) had duly appeared before the learned Judicial Magistrate 1st Class, Jalandhar on 13.08.2024 whereupon he was granted regular bail.



State counsel as well as learned counsel for respondents No.2 and 3 have stated that they have ‘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 Judicial Magistrate 1st Class, Jalandhar, this Court finds that the matter has been amicably settled between the petitioners and respondents No. 2 and 3. 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. 45 dated 18.06.2019 (Annexure P-2) registered under Sections 406 and 498-A IPC at Police Station Women and all consequential proceedings arising therefrom, on the basis of Compromise Deed dated 02.02.2022 (Annexure P-4), are ordered to be **quashed** qua the petitioners.

Pending application, if any, stands disposed of.

28.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No