

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

264

CRM-M-24550-2024

Date of Decision: 24.07.2024

Kamaljit Singh

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. HBS Baidwan, Advocate for the petitioner.

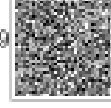
Ms. Rishu Madan, AAG, Punjab.

Mr. G.S. Virk, Advocate
for respondent No. 2-complainant.

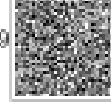
NIDHI GUPTA, J. (ORAL)

1. The petitioner who is the father of respondent No. 3-Updesh Singh/father-in-law of complainant-respondent No. 2 herein, has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 0040 dated 20.06.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, District SAS Nagar (Mohali) and all the consequential proceedings arising therefrom, on the basis of compromise dated 29.08.2023 and 15.09.2023 (Annexures P-2 and P-3, respectively), arrived at between the parties.

2. Learned counsel for the petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties.



Petitioner is the father-in-law of respondent No. 2-complainant. Marriage of son of the petitioner/respondent No. 3 herein with complainant/respondent No.2 was solemnized on 11.11.2006 and no child was born out of the wedlock. It was a love-cum-arrange marriage. Due to matrimonial discord, marriage of the son of the petitioner/respondent No. 3 herein with complainant/respondent No. 2 had gone into rough weather. Respondent No. 3 son of the present petitioner went to Dubai on 08.01.2018 and now lodged in jail in Dubai. Learned counsel for the petitioner submits that petitioner is a senior citizen aged around 76 years and is suffering from various old age ailments. It is further submitted that during the pendency of petition under Section 438 Cr.P.C. before the learned Additional Sessions Judge, SAS Nagar (Mohali), a compromise has been effected between the petitioner and respondent No. 2, as per which the petitioner shall pay an amount of Rs.5,00,000/- in lump sum to complainant-respondent No. 2 towards full and final settlement. Learned counsel for the petitioner submits that the petitioner has already paid the aforesaid amount of Rs.5,00,000/- to respondent No. 2-complainant and this fact has also been reflected in orders granting interim bail to the petitioner (Annexure P-2 and P-3, respectively), passed by the learned Additional Sessions Judge, SAS Nagar (Mohali). Learned counsel submits that respondent No. 2-complainant has also suffered a statement in this regard dated 15.09.2023 (Annexures P-4 and P-5), stating therein that she has received the payment of entire settlement amount of Rs.5,00,000/- from the petitioner and now, she has no objection, in case



the present FIR is quashed qua the petitioner.

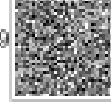
3. Pursuant to the notice of motion order dated 16.05.2024, Mr. G.S. Virk, Advocate has put in appearance on behalf of respondent No. 2-complainant and files his Vakalatnama, which is taken on record. Learned counsel for respondent No. 2 has not disputed the aforesaid submissions of learned counsel for the petitioner and fairly admits that the complainant has received the payment of entire settled amount. However, learned counsel for respondent No. 2-complainant submits that as per compromise arrived at between the parties, a joint petition under Section 13-B of the Hindu Marriage Act, 1955, has not been filed so far.

4. Leaned counsel for the petitioner expressed the inability of the petitioner to file such a petition as the same is not within his domain, because his son/respondent No. 3/husband of respondent No. 2 is lodged in jail in Dubai.

5. On the other hand, learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioner.

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

7. In view of the above, this Court finds that the matter has been settled between the petitioner and respondent No. 2. The petitioner had also paid the entire agreed amount of Rs.5,00,000/- to the 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

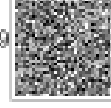


criminal proceedings deserve to be quashed.

8. At this stage, reference may be made to the judgment of ***“Ruchi Agarwal Vs. Amit Kumar Agrawal”*** Law Finder Doc ID # **78949**; and ***Mohd. Shamim v Smt. Nahid Begum***, Law Finder Doc Id # **81379**, wherein it has been held that in criminal/civil litigation between the husband and wife, once the parties have entered into compromise and have sought divorce by mutual consent, if the wife does not withdraw FIR under Sections 498-A and 506 IPC then it is clear that the wife wants to harass the husband even after getting the relief and in such cases FIR ought to be quashed.

9. In ***Ruchi Agarwal’s case (supra)***, the wife filed SLP before the Hon’ble Supreme Court challenging the order of the Hon’ble Uttaranchal High Court whereby criminal complaint filed by the wife against the respondent husband was quashed. Facts were similar therein as the appellant-wife had resiled from compromise. In these circumstances, the Hon’ble Supreme Court quashed the FIR registered under Sections 498A, 323 and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act. Para 8 of said judgment reads as under:-

“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. Therefore, we are of the considered opinion to do complete justice, we should while dismissing this appeal also quash proceedings arising from the Criminal Case No. Cr. No. 224/2003 registered in Police Station, Bilaspur, (Distt. Rampur) filed under sections 498A, 323 and 506 Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act against the respondents herein. It is ordered accordingly. The appeal is disposed of”.



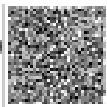
10. In *Mohd. Shamim's case (supra)* Hon'ble Supreme Court held as under: -

"A. Criminal Procedure Code, Section 320-Indian Penal Code, Section 406 and 498A - Compounding of offence - FIR under Sections 498A, 406 Indian Penal Code-Wife entering into settlement at intervention of court and accepting Rs. 2.25 lacs from husband - Wife backed out - FIR quashed - In view of conduct of wife, continuance of proceedings would be abuse of process of Court.

B. Criminal Procedure Code, Sections 320 and 482 - Indian Penal Code, Sections 498A and 406 - Compounding of offence-FIR under Sections 498A, 406 Indian Penal Code-Parties entering into settlement at the intervention of trial Judge- Wife accepted Rs. 2.25 lacs and another sum of 50,000 to be paid at the time of quashing the FIR- Petition for quashing of FIR-Wife backed out and stated agreement and affidavit were got signed by misrepresentation - FIR quashed - In view of conduct of wife continuance of Criminal proceedings would be an abuse of process of the Court. 2004(4) RCR (Criminal) 949 (SC) relied".

11. 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.

12. 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.”

13. In view of what has been discussed here-in-above, this petition is allowed and FIR No. 0040 dated 20.06.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women, District SAS Nagar (Mohali) and all the consequential proceedings arising therefrom, on the basis of compromise dated 29.08.2023 and 15.09.2023 (Annexures P-2 and P-3, respectively), arrived at between the parties, are ordered to be quashed qua the petitioner.

24.07.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No