IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

253 CRM-M-19608-2024 (O&M)
Date of Decision: 05.08.2024

Jasin Jaura and another …. Petitioners

Versus

State of Punjab and another .... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Manju Goyal, Advocate and
Mr. Pankaj Goyal, Advocate for the petitioners.

Ms. Rishu Madan, Assistant Advocate General, Punjab.

Mr. Karan Bansal, Advocate for
Mr. Achin Gupta, Advocate
for respondent No.2/complainant.

NIDHI GUPTA, J. (ORAL)

The petitioners who are the husband and mother-in-law of the respondent No.2 herein, have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.469 dated 29.12.2023 (Annexure P-1) registered under Section 498-A IPC at Police Station City Faridkot including GD No. 040 dated 26.02.2024 (Annexure P-2) vide which Section 406 IPC was added later on and all other consequential proceedings arising therefrom, on the basis of compromise dated 10.04.2024 (Annexure P-3) effected between the parties.

Pursuant to the order dated 22.04.2024 passed by this Court, the parties appeared before the learned Chief Judicial Magistrate Faridkot, to get their statements recorded. Learned Chief Judicial

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Magistrate Faridkot, has submitted his report along with statements of the parties vide letter dated 13.06.2024 duly forwarded by the learned District and Sessions Judge, Gurugram.

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 valid, genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent has been filed in which 1st motion statements of the parties have already been recorded and 2nd motion statements of the parties will be recorded on 11.10.2024. The petitioners and respondent No.2 are the only party to the compromise and have never been declared as proclaimed offenders. There is no other criminal case pending against the petitioners.

Learned State counsel has stated that she has '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 Chief Judicial Magistrate, Faridkot, 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

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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.469 dated 29.12.2023 (Annexure P-1)

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registered under Section 498-A IPC at Police Station City Faridkot including GD No. 040 dated 26.02.2024 (Annexure P-2) vide which Section 406 IPC was added later on and all other consequential proceedings arising therefrom, on the basis of compromise dated 10.04.2024 (Annexure P-3), are ordered to be quashed qua the petitioners.

Pending application, if any, stands disposed of.

05.08.2024 **(NIDHI GUPTA)**
Divyanshi **JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

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