



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-19452-2024

Date of Decision: 05.09.2024

Alka

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Shakti Mehta, Advocate for the petitioner.

Ms. Rishu Madan, AAG, Punjab.

Mr. Saurabh Kaushik, Advocate for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of Kalandra dated 01.01.2020 (Annexure P-1) registered under Section 182 IPC at Police Station Tripuri, District Patiala and all consequential proceedings arising therefrom, on the basis of compromise deed dated 16.01.2024 (Annexure P-2), arrived at between the parties.

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 copies of statements of the parties vide letter dated 20.05.2024 duly forwarded by the learned District and Sessions Judge, Patiala.

A perusal of the above said report would show that the petitioner and respondents No. 2 and 3 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 petitioner was married to respondent No. 2 herein on 15.06.2012 and one son was born out of the said wedlock on 16.03.2013. Due to temperamental differences, the parties could not cohabit together and started residing separately since June, 2013. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated dated 16.01.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the impugned Kalandara (Annexure P-1). It is also submitted that the petitioner and respondent No. 2 have also agreed to seek mutual divorce by way of filing a joint petition under Section 13-B of the Hindu Marriage Act, 1955, before the Family Court, concerned, wherein first motion statements of the parties have already been recorded on 16.01.2024. Further, it is submitted that respondent No. 3-mother-in-law of the present petitioner, has moved a complaint before the police on the basis of which the impugned Kalandra (Annexure P-1) was registered against the petitioner. Learned counsel refers to the statement (Annexure P-5) of the complainant/respondent No. 3-Neelam, wherein she had stated that she has compromised the matter with the petitioner. Further, it is submitted that the petitioner is the only accused in the impugned Kalandra (Annexure P-1) and she has never been declared as proclaimed offender.

Learned counsel for the petitioner has referred to the



judgments passed by this Court in **CRM-M-31815-2010**, titled as '**Zahida Parveen vs. State of Punjab and another**', decided on 17.01.2012 and also refers to the case law in '**Neha Sharma vs. State of Punjab**', 2024 **SCC OnLine P&H 4518**, to submit that the Kalandra can be quashed on the basis of compromise effected between the parties.

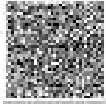
Learned State counsel has stated that he has 'no objection' in case the impugned Kalandra is quashed on the basis of compromise qua the petitioner.

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 Kalandra dated 01.01.2020 (Annexure P-1) registered under Section 182 IPC at Police Station Tripuri, District Patiala and all consequential proceedings arising therefrom, on the basis of compromise deed dated 16.01.2024 (Annexure P-2), are ordered to be quashed qua the petitioner.

05.09.2024
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(NIDHI GUPTA)
JUDGE

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