

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-21134-2023 (O&M)

Date of order: 15.02.2024

Rahul Juneja & Others

.....Petitioner(s)

Vs.

Union Territory, Chandigarh & Another

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTAPresent:- Mr. Rishav Jain, Advocate
for the petitioners.

Mr. Viranjeet Singh Mahal, Addl. PP UT Chd.

Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.70 dated 01.09.2022 (Annexure **P-1**) under Sections 406 and 498-A IPC registered at Women Police Station, District U.T. Chandigarh; and subsequent proceedings arising thereof, on the basis of compromise/statement dated 20.12.2022 (Annexure P2).

Vide order dated 27.07.2023, a Co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 27.07.2023 with regard to the compromise/statement dated 20.12.2022 (Annexure P2).

In terms of the order dated 27.07.2023 passed by a Co-ordinate Bench of this Court parties have appeared before the Court of learned Judicial Magistrate, 1st Class, Chandigarh and as per his report

dated 09.08.2023 submitted to this Court, both the parties have got recorded their respective statements in Court.

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 voluntary, genuine, and out of free will.

Learned counsel for the petitioners inter alia submits that present FIR emanates from a matrimonial dispute between the parties. He further submits that 7 persons were named in the statement of the complainant, however, only the present petitioners i.e. husband, father-in-law and mother-in-law of respondent No.2 herein, were named as accused in the FIR. It is further submitted that the petitioners were not declared proclaimed offenders in the present case.

Learned State Counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioners.

There is no representation on behalf of respondent No.2/complainant. On the last date of hearing following order was passed:-

“As per office report notice could not be issued to respondent No.2 as the process fee was not filed.

Let the process fee be filed within two weeks from today and on doing so, fresh notice be issued to respondent No.2 through Chief Judicial Magistrate concerned, returnable 15.02.2024”.

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

After perusing the report submitted by the Illaqa Magistrate, this Court finds that the matter has been amicably settled between the petitioners and the complainant. 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 hereinbelow:-

“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 hereinabove, this petition is **allowed**; and FIR No.70 dated 01.09.2022 (Annexure **P-1**) under Sections 406 and 498-A IPC registered at Women Police Station, District U.T. Chandigarh; and subsequent proceedings arising thereof, on the basis of compromise/statement dated 20.12.2022 (Annexure P2), are ordered to be quashed qua the petitioners.

Petition stands disposed of.

Pending application(s) if any also stand(s) disposed of.

15.02.2024
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No