

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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1. CRM-M-20953-2024

Rahul Taneja
Versus
.... Petitioner

State of Punjab and another
.... Respondents

2. CRM-M-21008-2024

Surinder Taneja and another
Versus
.... Petitioners

State of Punjab and another
.... Respondents

Date of decision: 22.07.2024

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

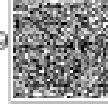
Present: - Mr. GBS Dhillon, Advocate
for the petitioner(s) (in both cases).

Ms. Rishu Madan, AAG, Punjab.

Mr. Navdeep Singh, Advocate
for respondent No. 2 (in both cases).

NIDHI GUPTA, J. (ORAL)

By this common order, two aforementioned petitions are being disposed of. The husband (petitioner in CRM-M-20953-2024) and parents-in-law (petitioners in CRM-M-21008-2024) of complainant/ respondent No. 2 (in both cases), have filed two separate petitions under

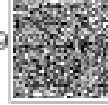


Section 482 Cr.P.C., for quashing of FIR No.170 dated 28.08.2023 (Annexure P-1) registered under Sections 498A, 307, 342, 323 and 506 read with Section 34 IPC at Police Station Sadar Ludhiana, District Police Commissionerate, Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise dated 17.04.2024 (Annexure P-2) (in both cases) effected between the parties.

Pursuant to the order dated 29.04.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Ludhiana, to get their statements recorded. Learned Judicial Magistrate Ist Class, Ludhiana, has submitted a consolidated report appended with CRM-M-21008-2024 along with copies of statements of the parties vide letter dated 22.05.2024 duly forwarded by the learned District and Sessions Judge, Ludhiana.

A perusal of the above said report would show that the petitioner(s) (in both cases) and respondent No. 2 have appeared 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(s) (in both cases), *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that marriage of the petitioner (in CRM-20953-2024) with complainant/respondent No.2 was solemnized on 04.11.2015 and one son was born out of the said wedlock, who is currently in the care and custody of complainant/respondent No. 2 (in



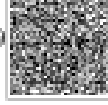
both cases). Due to temperamental differences, the parties could not cohabit together and started residing separately since 27.08.2023. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 17.04.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It has also been agreed between the parties that they would file a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent before the Family Court, concerned. Further, it is submitted that the petitioner(s) (in both cases) are the only accused in the present case and they have never been declared as proclaimed offender(s).

Learned State counsel as well as learned counsel for respondent No. 2 are *ad idem* that they have 'no objection' in case the FIR is quashed on the basis of compromise qua all 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 Ist Class, Ludhiana this Court finds that the matter has been amicably settled between the petitioners (in both cases) 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, both the petitions i.e. CRM-M- Nos. 20953 and 21008-2024, are **allowed** and FIR No.170 dated 28.08.2023 (Annexure P-1) registered under Sections 498A, 307, 342, 323 and 506 read with Section 34 IPC at Police Station

Sadar Ludhiana, District Police Commissionerate, Ludhaina and all the consequential proceedings arising therefrom on the basis of compromise dated 17.04.2024 (Annexure P-2) (in both cases) effected between the parties, are ordered to be quashed qua the petitioners.

A photocopy of this order be placed on the file of other connected case.

22.07.2024
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(NIDHI GUPTA)
JUDGE

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