



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-22461-2024 (O&M)
Date of Decision: 25.09.2024

Vishal Joshi and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ashish Aggrwal, Advocate for the petitioners.

Mr. Akshay Kumar, A.A.G., Punjab.

Mr. Jigerjeet Singh, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., is for quashing of FIR No.13 dated 10.08.2019 (Annexure P-1) under Sections 498-A, 406, 506, 120-B IPC (Sections 354, 511 and 376 IPC added later on), registered at Police Station NRI, District Kapurthala and all the consequential proceedings arising therefrom on the basis of compromise dated 06.04.2024 (Annexure P-3) effected between the parties.

Pursuant to the order dated 01.07.2024 passed by this Court, the parties appeared before the learned Additional Chief Judicial Magistrate Kapurthala, to get their statements recorded. Learned Additional Chief Judicial Magistrate Kapurthala, has submitted his report along with statements of the parties vide letter dated 31.07.2024 duly forwarded by the learned District and Sessions Judge, Kapurthala on 01.08.2024.



A perusal of the above said report would show that the petitioners (petitioner No.3 through attorney Surjit Kumar-petitioner No.2 herein) 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. As per the said report, the petitioner No.2-Surjit Kumar is also involved in another FIR No. 128 of 2020 registered under Section 420 IPC at Police Station Sadar, Tarn Taran. No other accused is involved in any other FIR.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner No.1 is the husband, petitioner No.2 is father-in-law and petitioner No.3 is brother-in-law (represented through Special Power of Attorney Holder Surjit Kumar as he is residing in Kuwait) of the complainant/respondent No.2 herein. Marriage of the petitioner No.1 with complainant/respondent No.2 was solemnized on 06.1.2017 and no child was born out of the said wedlock. Due to temperamental differences, the parties started residing separately since 10.12.2018. Even a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent has also been filed before the Family Court, concerned, wherein first motion and second motion statements of the parties have already been recorded. It is submitted that the matter has been settled for a total sum of Rs.11,50,000/-, out of which Rs.5,75,000/- has already been received by the complainant/respondent No.2. The petitioners and respondent No.2 are the only party to the



compromise. The petitioners have never been declared as proclaimed offenders.

Learned State counsel as well as learned counsel for respondent No.2 have stated that they have ‘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 Additional Chief Judicial Magistrate, Kapurthala, 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 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.13 dated 10.08.2019 (Annexure P-1) under Sections 498-A, 406, 506, 120-B IPC (Sections 354, 511 and 376 IPC added later on), registered at Police Station NRI, District Kapurthala and all the consequential proceedings arising therefrom on the basis of compromise dated 06.04.2024 (Annexure P-3) are ordered to be **quashed** qua the petitioners.

Pending application, if any, stands disposed of.

25.09.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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