



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-22735-2024

Date of Decision: 08.07.2024

Amit Kumar Solanki and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rhythem Bajaj, Advocate
for the petitioners.

Ms. Rishu Maddan, A.A.G., Punjab.

Mr. Vishal Sharda, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioners, who are the husband, mother-in-law, brother-in-law and sister-in-law of the complainant/respondent No. 2 herein, have filed the present petition for quashing of FIR No. 126 dated 24.10.2020 (Annexure P-1) registered under Sections 406/ 498-A IPC at Police Station City-2, Abohar, District Fazilka and all consequential proceedings arising therefrom, on the basis of compromise by way of affidavit of respondent No.2/complainant dated 24.04.2024 (Annexure P-2) effected between the parties.

Pursuant to the order dated 07.05.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Abohar to get their statements recorded. Learned Judicial Magistrate 1st Class, Abohar has submitted her report along with statements of the parties vide letter dated 03.06.2024 duly forwarded by the learned District and Sessions Judge, Fazilka on 04.06.2024.



A perusal of the above said report would show that there were 5 accused arraigned in the FIR and out of them 4 persons (petitioners 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. Last accused, namely, Ashok Kumar Solanki (father-in-law of respondent No.2) had died.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, the present petitioners are the only accused in the present FIR and they are party to the compromise. The petitioners have never been declared as proclaimed offenders and are not involved in any other case.

Learned counsel for the parties are *ad idem* that now the petitioner No.1 and respondent No.2/complainant are residing together happily as husband and wife.

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 Judicial Magistrate 1st Class, Abohar, 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. 126 dated 24.10.2020 (Annexure P-1) registered under Sections 406/ 498-A IPC at Police Station City-2,

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Abohar, District Fazilka and all consequential proceedings arising therefrom, on the basis of compromise by way of affidavit of respondent No.2/complainant dated 24.04.2024 (Annexure P-2), are ordered to be quashed qua the petitioners.

08.07.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No