



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-24297-2024

Date of Decision: 24.07.2024

Sawan Shandil

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. M.K. Sharma, Advocate for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Ms. Veena Hooda, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Vakalatnama filed on behalf of respondent No. 2 is taken on record.

Prayer in this 2nd petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 222 dated 07.11.2022 (Annexure P-1) registered under Sections 323, 34, 406, 498-A and 506 IPC at Police Station Sector-20 Panchkula, District Panchkula and all consequential proceedings arising therefrom, on the basis of compromise dated 31.03.2024 (Annexure P-4), entered into between the parties.

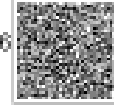
Pursuant to the order dated 16.05.2024 passed by a co-ordinate Bench of this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Panchkula, to get their statements recorded. Learned Judicial Magistrate Ist Class, Panchkula has submitted her report



along with statements of the parties vide letter dated 25.06.2024 duly forwarded by the learned District and Sessions Judge, Panchkula.

A perusal of the above said report would show that the petitioner and respondent No. 2 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 the present FIR emanates from the matrimonial dispute between the parties. Marriage of the petitioner with complainant/respondent No.2 was solemnized on 31.05.2015 and one son was born out of the said wedlock on 08.09.2017, who is currently in the care and custody of respondent No. 2-wife. Due to temperamental differences, the parties could not cohabit together and started residing separately since 15.05.2022. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 31.03.2024 (Annexure P-4), according to which, both the parties have agreed not to proceed further with the FIR in question. The parties have also filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent, wherein first motion statements of the parties have also been recorded on 10.04.2024 (Annexure P-6). Further, it is submitted that initially, 03 persons were named in the FIR, however, challan has been filed only against the present petitioner and he has never been declared as proclaimed offender.



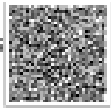
Learned State counsel has stated that he has ‘no objection’ in case the FIR is quashed on the basis of compromise qua the petitioner

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, Panchkula, this Court finds that the matter has been amicably settled between the petitioner and respondents 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. 222 dated 07.11.2022 (Anenxure P-1) registered under Sections 323, 34, 406, 498-A and 506 IPC at Police Station Sector-20 Panchkula, District Panchkula and all consequential proceedings arising therefrom, on the basis of compromise dated 31.03.2024 (Annexure P-4), entered into between the parties, are ordered to be quashed qua the petitioner.

24.07.2024
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(NIDHI GUPTA)
JUDGE

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