



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-31128-2024 in/and
CRM-M-24524-2024 (O&M)
Date of Decision: 12.08.2024

Avtar Singh

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Namit Khurana, Advocate for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Ms. Prarthana Duggal, Advocate
for respondent No.2/complainant.

NIDHI GUPTA, J. (ORAL)

CRM-31128-2024

This is an application for preponement of the date of hearing fixed in the main case i.e.02.12.2024 to some early date of hearing.

In view of averments mentioned in the application, the same is allowed and the main petition fixed for 02.12.2024 is preponed for today and taken on board.

CRM-M-24524-2024 (O&M)

The petitioner who is the husband of respondent No.2 herein, has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.10 dated 18.01.2022 (Annexure P-1) under Sections 498-A, 406, 323 and 506 IPC, registered at Women Police Station, Yamuna Nagar, District Yamuna Nagar and all the consequential



proceedings arising therefrom on the basis of compromise dated 03.05.2024 (Annexure P-2) effected between the parties.

Pursuant to the order dated 20.05.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Jagadhri, to get their statements recorded. Learned Judicial Magistrate 1st Class, Jagadhri, has submitted his report along with statements of the parties vide letter dated 06.07.2024 duly forwarded by the learned District and Sessions Judge, Yamuna Nagar at Jagadhri.

A perusal of the above said report would show that initially present FIR was registered against 6 persons, however, challan was filed only against the present petitioner. The petitioner 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.

Learned counsel for the petitioner submits that the present FIR emanates from the matrimonial dispute between the parties. It is also submitted that 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 statements of the parties have already been recorded on 03.05.2024. It is submitted that the matter has been settled in a total sum of Rs.8,50,000/-, out of which Rs.4,50,000/- have been paid to the complainant by the petitioner on the date of recording of first motion statement and rest of the payment will be given to her on the date of recording of the second motion statement.



It is further submitted that as per report, the petitioner and respondent No.2 are the only party to the compromise and the petitioner has never been declared as proclaimed offender. There is no other criminal case pending against the petitioner.

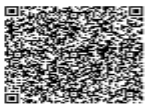
Learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioner.

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 1st Class, Jagadhri, this Court finds that the matter has been amicably settled between the petitioner 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.10 dated 18.01.2022 (Annexure P-1) under Sections 498-A, 406, 323 and 506 IPC, registered at Women Police Station, Yamuna Nagar, District Yamuna Nagar and all the consequential proceedings arising therefrom on the basis of compromise dated 03.05.2024 (Annexure P-2), are ordered to be **quashed** qua the petitioner.

Pending application, if any, stands disposed of.

12.08.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No