

CRM-M- 25988-2023
Date of Decision : 20.03.2024

KULDEEPAK BAKSHI AND ANOTHER ...Petitioners

Versus

STATE OF HARYANA AND OTHERSRespondents

BEFORE: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Ms. Rekha, Advocate for Mr. Munish Bhardwaj, Advocate for the petitioners.

Mr. Aditya Pal Singla, AAG, Haryana for respondent Nos.1 and 2.

Mr. Nikunj Dhawan, Advocate for respondent No.3.

NIDHI GUPTA, J. (ORAL)

The petitioners, who are husband and mother-in-law of respondent No. 3-complainant have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.123 dated 05.09.2021 registered under Sections 323, 406, 498-A IPC, at Police Station Women Cell, Distt. Panchkula and all the consequential proceedings arising therefrom, on the basis of compromise dated 04.05.2023 (Annexure P-2) effected between the parties.

Perusal of order sheet shows that the petition was withdrawn qua petitioner No.2 vide order dated 07.11.2023 as petitioner No.2 was declared innocent during the course of investigation.

Pursuant to the order dated 29.05.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate, First Class, Panchkula, to get their statements recorded. Learned Judicial Magistrate, First Class, Panchkula, has submitted her report along with

statements of the parties vide letter dated 12.07.2023 duly forwarded by the learned District & Sessions Judge, Panchkula.

A perusal of the above said report would show that petitioner No.1 through Special Power of Attorney holder-Kavita Bakshi 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 petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, petitioner No.1-accused is party to the compromise and he has never been declared as proclaimed offender. It is submitted that there were two accused in the FIR however, upon investigation, petitioner No.2- mother-in-law was found innocent.

Learned State counsel has stated that he 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 Judicial Magistrate, First Class, Panchkula, this Court finds that the matter has been amicably settled between petitioner No.1 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.123 dated 05.09.2021 registered under Sections 323, 406,498A IPC, at Police Station Women Cell, Distt. Panchkula along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua petitioner No.1.

March 20, 2024

ps

(NIDHI GUPTA)
JUDGE

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No