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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26673-2023 (O&M)

Date of Decision: 19.01.2024

**BHUPINDER KAUR @ BHUPINDER KAUR CHOCHAN AND
OTHERS**

.....PETITIONERS

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Parvinder Singh, Advocate,
for the petitioner.

Mr. Jaspal Singh Guru, A.A.G., Punjab.

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

HARPREET KAUR JEEWAN J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of Complaint No. 61 dated 09.07.2018, filed by respondent No. 2 before the Court of Ms. Geeta Rani, Judicial Magistrate Ist Class, Ajnala, District Amritsar, under Sections 323, 379, 376 and 506 of the IPC read with Section 120-B thereof, on the basis of compromise dated 26.04.2023 (Annexure P-6) between the parties.

2. Learned counsel for the petitioners *inter alia* contends that the petitioners were summoned on the basis of a criminal complaint registered at the instance of respondent No. 2-Jaswinder Kaur. The marriage of respondent No. 2 was solemnized with Maninder Singh in the year 2009 who had since expired. Petitioner No. 3-Gurmit Singh @ Gurmit Singh Bhangu is the

father-in-law, petitioner No. 2-Jaswinder Kaur is the mother-in-law and petitioner No. 1-Bhupinder Kaur @ Bhupinder Kaur Chohan is the sister-in-law of respondent No. 2-complainant. The matter has been mutually settled with respondent No. 2 who does not want to proceed with the present complaint. As per the compromise Annexure P-6, the petitioners have paid a sum of ₹10,00,000/- to respondent No. 2-complainant, out of which ₹2,00,000/- was paid in cash and a sum of ₹8,00,000/- was deposited in the shape of an FDR. The details of which are given in paragraph No. d(i) of the compromise.

3. Counsel appearing for respondent No. 2 confirms the factum of compromise, as well as the fact that the said payment has been received and as per the compromise, custody of both the children Mankirat Kaur and Amrit Kaur shall remain with the respondent-complainant (mother) and she would take care of their expenses as well. Respondent No. 2 does not want to pursue with the criminal complaint which is pending before the Additional Sessions Judge, Amritsar.

4. It is further contended on behalf of the petitioners that the complaint was also registered against Gurwinder Singh and Gurkirat Singh who are distant relatives of the petitioners but they have been declared Proclaimed Offenders and Satnam Singh who was also a distant relative has already died and this fact is reflected in the order dated 25.02.2022 (Annexure P-5) passed by the trial Court.

5. Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the

compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

6. Since it was a matrimonial dispute and the husband had already died, the petitioners who are the father-in-law, mother-in-law and sister-in-law had already taken care of the maintenance of the children who were born out of the wedlock of the respondent, this Court is of the considered opinion that further proceeding with the present criminal litigation which was registered on the basis of a criminal complaint would not serve any purpose. The parties have settled their dispute. The criminal proceedings deserve to be quashed.

7. Consequently, this petition is allowed and Complaint No. 61 dated 09.07.2018, filed by respondent No. 2 before the Court of Ms. Geeta Rani, Judicial Magistrate Ist Class, Ajnala, District Amritsar, under Sections 323, 379, 376 and 506 of the IPC read with Section 120-B thereof, which is now pending before the Additional Sessions Judge, Amritsar, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

8. Pending miscellaneous application (s), if any, shall also stand disposed of.

January 19, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No