



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-26439-2024 (O&M)

Date of Decision: 11.09.2024

Abhishek and another

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Amit Siwach, Advocate for
Mr. Vikram Singh Punia, Advocate for the petitioners.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Mr. Mohit Kumar, Advocate for
Mr. Yashasvi Rana, Advocate for the respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioners, who are the husband and mother-in-law of the complainant/respondent No.2 herein, have filed the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 188 dated 13.09.2022 registered under Sections 323, 34, 377, 406, 498A and 506 IPC at Police Station Moohana (Mohana), District Sonapat (Annexure P-1) and charge sheet dated 28.11.2022 (Annexure P-2) and all the consequential proceedings arising therefrom on the basis of compromise by way of affidavit dated 18.05.2024 of the complainant (Annexure P-6).

A perusal of the last order dated 23.05.2024 shows that inadvertently case No. 'CRM-M-23439-2024' has been typed instead of 'CRM-M-26439-2024' on the top of all pages. Hence, the said order is modified to the extent that 'CRM-M-23439-2024' be read as 'CRM-M-



26439-2024' on the top of all pages.

Pursuant to the order dated 23.05.2024 passed by this Court, the parties appeared before the learned Additional Chief Judicial Magistrate, Sonapat, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Sonapat, has submitted his report along with copies of statements of the parties vide letter dated 11.06.2024 duly forwarded by the learned District and Sessions Judge, Sonipat on 14.06.2024.

A perusal of the above said report would show that the during investigation, petitioner No.2, namely, Vidya Devi has been declared innocent and challan has been filed only against the petitioner No.1. Hence, only the petitioner No.1 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. Even parties have been granted divorce vide decree dated 20.04.2024 (Annexure P-5) in terms of which, total amount of Rs.13 lacs has been paid to the complainant-respondent No.2 by way of full and final settlement of all disputes. The petitioner No.1 and respondent No.2 are the only party to the compromise. The petitioner No.1 has never been declared as proclaimed offender and there is no other criminal case pending against the petitioner No.1.

Learned State counsel has stated that he has 'no objection'



in case the FIR is quashed on the basis of compromise qua the petitioner No.1.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Additional Chief Judicial Magistrate, Sonapat, this Court finds that the matter has been amicably settled between the 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. 188 dated 13.09.2022 registered under Sections 323, 34, 377, 406, 498A and 506 IPC at Police Station Moohana (Mohana), District Sonapat (Annexure P-1) and charge sheet dated 28.11.2022 (Annexure P-2) and all the consequential proceedings arising therefrom on the basis of compromise by way of affidavit dated 18.05.2024 of the complainant (Annexure P-6), are ordered to be **quashed** qua the petitioner No.1.

Pending application, if any, stands disposed of.

11.09.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No