



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

254

CRM-M-26312-2024 (O&M)
Date of Decision: 11.09.2024

Andeep

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sumit Sangwan, Advocate for the petitioner.

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

Mr. Mohit, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioner who is the husband of the respondent No.2 herein, has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.0067 dated 05.03.2024 (Annexure P-1) under Sections 323, 34, 354, 354-A, 377, 406, 498-A and 506 IPC (Sections 34, 354, 354-A and 377 IPC deleted during investigation), registered at Police Station Sonipat Sadar, District Sonipat and all the consequential proceedings arising therefrom on the basis of compromise dated 15.05.2024 (Annexure P-2) effected between the parties.

On the last date of hearing i.e. 23.05.2024, following order was passed by this Court:-

“Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0067 dated 05.03.2024 (Annexure P-1) under Sections 323, 34, 354, 354-A, 377, 406, 498-A and 506 IPC (Sections 34, 354, 354-A and 377



IPC deleted during investigation), registered at Police Station Sonipat Sadar, District Sonipat and all the consequential proceedings arising therefrom on the basis of compromise dated 15.05.2024 (Annexure P-2) effected between the parties.

Learned counsel for the petitioner, inter alia, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner is the husband of the complainant/respondent No.2 herein. Marriage of the petitioner with complainant/respondent No.2 was solemnized on 28.11.2022 and no child was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately since January 2024. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 15.05.2024 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. 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 would be filed in the next week. Further, it is submitted that initially, eight persons were named in the FIR, however, during investigation seven out of them have been exonerated and the challan has been filed only against the present petitioner only. It is further submitted that the petitioner has never been declared as proclaimed offender.

Notice of motion.

On the asking of Court, Mr. Ranvir Singh Arya, Addl. A.G., Haryana, accepts notice on behalf of respondent No.1-State; whereas Mr. Mohit, Advocate, who is present in Court accepts notice on behalf of respondent No.2 and submits Vakalatnama, which is taken on record.



Learned counsel for respondent No.1-State as well as learned counsel for respondent No.2 have not disputed the aforesaid submissions made by learned counsel for the petitioner and the factum of compromise effected between the parties.

In view of the above, the parties are directed to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise dated 15.05.2024 (Annexure P-2) on 07.06.2024 or any other date convenient to the learned trial Court/Illaq Magistrate, by moving an appropriate application or by presenting this order.

The trial Court/Illaq Magistrate is directed to submit the report on or before the next date of hearing i.e. 11.09.2024 containing the following information:-

- 1. Number of persons arrayed as accused in the FIR;*
- 2. Whether any accused is a proclaimed offender;*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence;*
- 4. Whether the accused persons are involved in any other FIR or not; and*
- 5. The trial Court is also directed to record the statement of the Investigating Officer so as to know how many victims/complainants are there in the FIR and all the victims/complainant as well as accused are party to the compromise in question.*

A copy of the report be sent through FAX, to the Registrar (Judicial) of this Court”

Pursuant to the order dated 23.05.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Sonapat, to get their statements recorded. Learned Judicial Magistrate 1st Class, Sonapat, has submitted her report along with statements of the



parties vide letter dated 18.06.2024 duly forwarded by the learned District and Sessions Judge, Sonipat on 19.06.2024.

A perusal of the above said report would show that initially present FIR was registered against 8 persons. However, during investigation, 7 out of them have been exonerated and the challan has been 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. The petitioner and respondent No.2 are the only party to the compromise and have never been declared as proclaimed offenders. There is no other criminal case pending against the petitioner.

Learned counsel for respondent No. 2 admits the factum of compromise between the parties. He further submits that the as per compromise dated 15.05.2024 (Annexure P-2), 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 learned Principal Judge, Family Court, Jhajjar, wherein first motion statements of the parties have been recorded on 28.05.2024 and the date for recording of second motion statements is 02.12.2024.

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



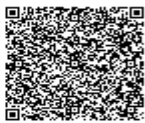
has perused the file.

After perusing the report submitted by the learned Judicial Magistrate, 1st Class, Sonapat, 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.0067 dated 05.03.2024 (Annexure P-1) under Sections 323, 34, 354, 354-A, 377, 406, 498-A and 506 IPC (Sections 34, 354, 354-A and 377 IPC deleted during investigation), registered at Police Station Sonipat Sadar, District Sonipat and all the consequential proceedings arising therefrom on the basis of compromise dated 15.05.2024 (Annexure P-2), are ordered to be quashed qua the petitioner.

Pending application, if any, stands disposed of.

11.09.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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