

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

247

CRM-M-26485-2024

Date of Decision: 18.09.2024

Satpal Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ravi Malhotra, Advocate for the petitioner.

Ms. Rishu Madan, AAG, Punjab.

Mr. Vipin Kumar, Advocate for

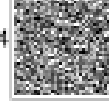
Mr. Ashish Bakshi, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 40 dated 22.07.2018 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Bholath, District Police Commissionerate, Kapurthala and all consequential proceedings arising therefrom, on the basis of compromise dated 24.04.2024 (Annexure P-2) effected between the parties.

It is pertinent to mention herein that in the order dated 24.05.2024 (at 03 places i.e. in para Nos. 1, 2 and 6); as also in the head note of the petition inadvertently, the date of compromise (Annexure P-2) has wrongly been mentioned as 26.07.2023. It is ordered that the same be read as **24.04.2024**, instead of 26.07.2023.

Accordingly, Registry is directed to carry out necessary corrections at the appropriate places in the order dated 24.05.2024 as well

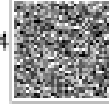


as in the head note of the main petition.

Pursuant to the order dated 24.05.2024 passed by this Court, the parties have appeared before the learned Sub Divisional Judicial Magistrate, Bholath, to get their statements recorded. Learned Sub Divisional Judicial Magistrate, Bholath, has submitted his report along with copies of statements of the parties vide letter dated 02.08.2024 duly forwarded by the learned District and Sessions Judge, Kapurthala.

A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared before the learned trial Court and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that marriage of the petitioner with complainant/respondent No.2 was solemnized on 15.04.2016 and one son was born out of the said wedlock who is currently in the care and custody respondent No. 2-complainant. Due to temperamental differences, the parties could not cohabit together and started residing separately since the year 2018. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 24.04.2024 (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 has also been filed



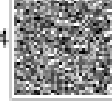
before the Family Court, concerned. Further, it is submitted that initially, 02 persons i.e. the present petitioner and his father were named in the FIR, however, challan has been filed only against the present petitioner, as father of the petitioner, namely, Kewal Singh has expired on 02.10.2021 and copy of death certificate dated 11.01.2022 is annexed with the petition as Annexure P-3. It is further submitted that the petitioner has never been declared as proclaimed offender.

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 Sub Divisional Judicial Magistrate, Bholath, 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.

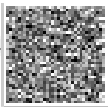


Hon'ble Apex Court in the case of “*Gian Singh Vs. State of Punjab and another*”, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise 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. 40 dated 22.07.2018 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Bholath, District Police Commissionerate, Kapurthala and all consequential proceedings arising therefrom, on the basis of compromise dated 24.04.2024 (Annexure P-2) effected between the parties, are ordered to be quashed qua the petitioner.

At this stage, learned counsel for the petitioner submits that in terms of order dated 06.09.2018, passed by a co-ordinate Bench of this Court in a petition bearing No. CRM-M-38704-2018, filed by the petitioner for grant of anticipatory bail, the petitioner had deposited an amount of Rs.1,00,000/- in the Registry, as a pre-condition for grant of



interim bail. A copy of the order dated 06.09.2018, filed by learned counsel for the petitioner is taken on record.

Learned counsel for the petitioner submits that since all the disputes have been settled between the parties; and also the agreed amount towards full and final settlement in terms of compromise dated 24.04.2024 (Annexure P-2) has also been paid by the petitioner to respondent No. 2, therefore, the aforesaid amount of Rs.1,00,000/- so deposited by the petitioner as a pre-condition for grant of interim bail, be released to the him.

Heard.

In view of the above, Registry is directed to release the aforesaid amount of Rs.1,00,000/- already deposited by him in the Registry in terms of order dated 06.09.2018, to the petitioner against proper receipt and identification, in accordance with law.

18.09.2024
rishu

(NIDHI GUPTA)
JUDGE

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