

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

288

CRM-M-28137-2023 (O&M)  
Date of order: 20.02.2024

Jasbir Singh & Others

.....Petitioner(s)

Vs.

State of Punjab & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Dhruv Khanna, Advocate  
for the petitioners.

Mr. Sukhsandesh Singh Chahal, AAG Punjab.

Mr. Abhishek Kaushik, Advocate  
for respondent No.2.

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Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.118 dated 06.12.2017 (Annexure P-1) registered under Section 498-A IPC at Police Station Anandpur Sahib, District Rupnagar; and all consequential proceedings arising therefrom, on the basis of compromise dated 21.04.2023 (Annexure P2).

2. Vide order dated 01.06.2023, 13.07.2023 and 06.12.2023, Co-ordinate Benches and this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid orders dated 01.06.2023, 13.07.2023 and 06.12.2023 with regard to the compromise dated 21.04.2023 (Annexure P2).

3. In terms of the orders dated 01.06.2023, 13.07.2023 and 06.12.2023, passed by Co-ordinate Benches and this Court, parties have

appeared before the Court of learned Sub-Divisional Judicial Magistrate, Sri Anandpur Sahib and as per his report dated 05.02.2024 submitted to this Court, both the parties have got recorded their respective statements in Court.

4. A perusal of the above said report would show that the petitioners and respondent No.2 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

5. Learned counsel for the petitioners inter alia submits that petitioner No.1 was married to respondent No.2/complainant on 09.10.2005. Two male children were born out of this wedlock. Parties are living separately since 2017. As per the compromise, the parties have filed a divorce petition under Section 13-B of Hindu Marriage Act, 1955 before the Camp Court of Principal Judge, Family Court, Anandpur Sahib on 21.11.2022; and first motion statement had been recorded. It is further submitted that the petitioners were not declared proclaimed offenders in the present case; and petitioner No.1/husband and respondent No.2/wife are a party to the compromise (Annexure P2).

6. Learned State Counsel does not oppose the aforesaid submissions made by learned counsel for the petitioners. He further submits that he has no objection if the present FIR is quashed qua the petitioners.

7. Learned counsel for respondent No.2 has reiterated that the matter has been settled and the aforesaid compromise is in the interest

of all the persons and would help in bringing out peace and amity between the two parties.

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

9. After perusing the report submitted by the Illaqa Magistrate, this Court finds that the matter has been amicably settled between the petitioners and the complainant. 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.

10. 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.

11. 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 hereinbelow:-

*“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.”*

12. In view of what has been discussed hereinabove, this petition is **allowed** and FIR No.118 dated 06.12.2017 (Annexure P-1) registered under Section 498-A IPC at Police Station Anandpur Sahib, District Rupnagar; and all consequential proceedings arising therefrom, on the basis of compromise dated 21.04.2023 (Annexure P2), are ordered to be quashed qua the petitioners.

13. Petition stands disposed of.

14. Pending application(s) if any also stand(s) disposed of.

20.02.2024

Sunena

Whether speaking/reasoned

Whether reportable

(Nidhi Gupta)

Judge

Yes/No

Yes/No