



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-27360-2024 (O&M)
Date of Decision: 01.10.2024

Gurvinder Singh

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Joban Singh Dhaliwal, Advocate for
Mr. Aditya Anand, Advocate for the petitioner.

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

Mr. Fateh Sahota, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioner, who is the husband of the complainant/respondent No.2 herein has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 101 dated 20.02.2020 (Annexure P-1) registered under Sections 323/34, 406, 498-A and 506 IPC at Police Station Shahabad, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of terms and conditions as contained in compromise/joint petition (Annexure P-2) filed by both the parties under Section 13-B of the Hindu Marriage Act, 1955 (for short- 'the Act'), seeking divorce by way of mutual consent.

Pursuant to the order dated 28.05.2024 passed by this Court, the parties appeared before the learned Duty Magistrate/Judicial Magistrate 1st Class, Shahabad, to get their statements recorded. Learned Duty Magistrate/Judicial Magistrate 1st Class, Shahabad, has submitted her report along with statements of the parties vide letter dated



30.09.2024 duly forwarded by the learned District and Sessions Judge, Kurukshetra.

A perusal of the above said report would show that the petitioner (through his father being Special Power of Attorney holder) 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. There is no other criminal case pending against the petitioner. The petitioner has never been declared as proclaimed offender.

Learned counsel for the petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. Marriage of the petitioner with complainant/respondent No.2 was solemnized on 17.02.2013. Two daughters, namely, Gursanjh Kaur and Rahmat Kaur, were born out of the said wedlock on 03.11.2016 and 06.06.2019, respectively. Due to temperamental differences, the parties could not cohabit together and started residing separately since 17.02.2020. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into a compromise and have agreed not to proceed further with the FIR in question; and also decided to part ways mutually. Subsequently, the parties have filed a joint petition under Section 13-B of the Act, for divorce by way of mutual consent before the Family Court, concerned on 22.08.2023 (Annexure P-2) which contains the terms and conditions of the separation/compromise arrived at between the parties. The petitioner (through his father being Special Power of Attorney holder) and respondent No.2 are the only party to the



compromise.

Learned State counsel as well as learned counsel for respondent No.2 have stated that they have '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 Duty Magistrate/Judicial Magistrate 1st Class, Shahabad, 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. 101 dated 20.02.2020 (Annexure P-1) registered under Sections 323/34, 406, 498-A and 506 IPC at Police Station Shahabad, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of terms and conditions as contained in compromise/joint petition (Annexure P-2) filed by both the parties under Section 13-B of the Hindu Marriage Act, 1955, are ordered to be **quashed** qua the petitioner.

Pending application, if any, stands disposed of.

01.10.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No