

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-34874-2023

Date of Decision: 02.04.2024

Manjit Kaur and another

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sachin Jain, Advocate for the petitioners.

Mr. S.S. Chahal, AAG, Punjaab.

Mr. K.S. Brar, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioners who are mother-in-law and husband of complainant-respondent No. 2, respectively, have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 0037 dated 05.10.2021 (Annexure P-3) registered under Sections 498-A, 406 and 420 IPC at Police Station Women, District Bathinda and all the consequential proceedings arising therefrom.

It is pertinent to mention here that initially, the present petition for quashing of aforesaid FIR was filed by three persons i.e. both the present petitioners and Gurdial Singh-father-in-law of respondent No. 2-complainant. During the pendency of present petition Gurdial Singh, aforesaid had died on 14.12.2023 and his name was ordered to be deleted from the array of parties, vide order dated 19.12.2023, passed by a co-ordinate Bench of this Court. It is also pertinent to mention here

that petitioner No. 2-Ravinder Singh Pawar, who is resident of Canada had filed the present petition through his mother/Power of Attorney holder i.e. petitioner No. 1-Manjit Kaur. The matter has been amicably settled between the parties vide Panchayati Compromise dated 29.11.2023 (Annexure P-7), during the pendency of the present petition.

Pursuant to the order dated 19.12.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Bathinda, to get their statements recorded. Learned Judicial Magistrate Ist Class, Bathinda, has submitted his report along with statements of the parties vide letter dated 03.02.2024 duly forwarded by the learned District and Sessions Judge, Bathinda.

A perusal of the above said report would show that the petitioner No. 1 and respondent No. 2 have appeared and suffered statements with respect to the compromise, which have been found to be genuine, voluntary and out of free will of the parties. Petitioner No. 1 has also suffered separate statement on behalf of petitioner No. 2-husband being his power of attorney holder.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report of the trial Court, the FIR was lodged against 03 persons i.e. both the present petitioners and one Gurdial Singh (since deceased), father-in-law of respondent No. 2-complainant. It is further submitted that the petitioners have 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

petitioners.

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 Ist Class, Bathinda, this Court finds that the matter has been amicably settled between the petitioners 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. 0037 dated 05.10.2021 (Annexure P-3) registered under Sections 498-A, 406 and 420 IPC at Police Station Women, District Bathinda and all the consequential proceedings arising therefrom, on the basis of Panchayati Compromise dated 29.11.2023 (Annexure P-7), are ordered to be quashed qua the petitioners.

02.04.2024
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(NIDHI GUPTA)
JUDGE

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