2024:PHHC:152104

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

238 CRM-M-32594-2024 (O&M)
Date of Decision: 20.11.2024

Mohit Kumar …. Petitioner

Versus

State of Haryana and another .... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Shantanu Bansal, Advocate for
Dr. Vikas Rohal, Advocate for the petitioner.

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

Mr. Yugank Goyal, Advocate for
Mr. Sylvester Stephen, Advocate
for respondent No.2.

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NIDHI GUPTA, J. (ORAL)

The petitioner, who is the husband of the complainant/respondent No.2 has filed instant petition under Section 482 Cr.P.C. for quashing of FIR No. 132 dated 26.03.2022 registered under Sections 323, 406, 498-A, 506 IPC at Police Station Model Town, Panipat and all other consequential proceedings arising therefrom, on the basis of compromise dated 30.05.2024 (Annexure P-2) effected between the parties.

Pursuant to the order dated 11.07.2024 passed by this Court, the parties appeared before the learned Civil Judge (Senior Divn.)-cum-Additional Chief Judicial Magistrate, Panipat, to get their statements recorded. Learned Civil Judge (Senior Divn.)-cum-Additional Chief Judicial Magistrate, Panipat, has submitted her report along with

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statements of the parties vide letter dated 11.10.2024 duly forwarded by the learned District and Sessions Judge, Panipat.

A perusal of the above said report would show that 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. 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. The petitioner 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 Civil Judge (Senior Divn.)-cum-Additional Chief Judicial Magistrate, Panipat, 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***

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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. 132 dated 26.03.2022 registered under Sections 323, 406, 498-A, 506 IPC at Police Station Model Town, Panipat and all other consequential proceedings arising therefrom, on the basis of compromise dated 30.05.2024 (Annexure P-2), are ordered to be

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quashed qua the petitioner.

Pending application, if any, stands disposed of.

20.11.2024 **(NIDHI GUPTA)**
Divyanshi **JUDGE**

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

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