



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

301

CRM-M-32239-2024 (O&M)
Date of Decision: 28.08.2024

Lukhbir Singh Gill and another Petitioners

Versus

State of Punjab and others Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ibad Mushtaq, Advocate and
Mr. Fuzail A. Ayyubi, Advocate
for the petitioners.

Ms. Guramrit Kaur, Deputy Advocate General, Punjab.

Mr. Ajay S. Dhiman, Advocate
for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

The petitioners have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No.0003 of 2018 dated 24.03.2018 (Annexure P-1) registered under Sections 406, 498-A IPC at Police Station NRI, SBS Nagar, Punjab and all subsequent proceedings arising therefrom, on the basis of Memorandum of Settlement dated 13.06.2024 (Annexure P-2) arrived at between the parties.

Pursuant to the order dated 16.07.2024 passed by a Coordinate Bench of this Court, the parties appeared before the learned Additional Chief Judicial Magistrate, Rupnagar, to get their statements recorded. Learned Additional Chief Judicial Magistrate, Rupnagar, has submitted his report along with statements of the parties vide letter dated 07.08.2024 duly forwarded by the learned District and Sessions Judge,



Rupnagar.

A perusal of the above said report would show that Balwinder Singh Gill son of Bawa Singh, Special Power of Attorney of the petitioners and respondents No. 2 and 3 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.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. The petitioners and respondent No.2 and 3 are the only party to the compromise and have never been declared as proclaimed offenders. There is no other criminal case pending against the petitioners.

Learned State counsel has stated that she 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 Additional Chief Judicial Magistrate, Rupnagar, this Court finds that the matter has been amicably settled between the petitioners and respondents No. 2 and 3. 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

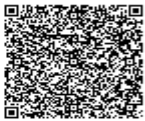


the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

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.0003 of 2018 dated 24.03.2018 (Annexure P-1) registered under Sections 406, 498-A IPC at Police Station NRI, SBS Nagar, Punjab and all subsequent proceedings arising therefrom, on the basis of Memorandum of Settlement dated 13.06.2024 (Annexure P-2), are ordered to be **quashed** qua the petitioners.



Pending application, if any, stands disposed of.

28.08.2024

Divyanshi

**(NIDHI GUPTA)
JUDGE**

**Whether speaking/reasoned
Whether Reportable**

**Yes/No
Yes/No**