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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-32396-2023 (O&M)

Date of Decision: 30.04.2024

Kulwant Singh Chauhan and others  
Vs.  
State of Punjab & others

.. Petitioners  
..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Chetan Bansal, Advocate for the petitioners.

Mr. Anup Singh, AAG, Punjab.  
None for respondent Nos.2 and 3.

...

**SUMEET GOEL, J. (Oral)**

1. The present petition has been filed under Section 482 of Code of Criminal Procedure, 1973 by the petitioner-husband and his relatives for quashing of FIR No.73 dated 25.05.2022 (Annexure P-1) registered for the offences punishable under Sections 406 and 498-A of IPC, 1860 as also all subsequent proceedings emanating therefrom at Police Station City Nawanshahar, District SBS Nagar which was got lodged by respondent Nos.2 and 3 on the basis of a compromise dated 24.03.2023 (Annexure P-2) entered into between the petitioner-husband and respondent-wife. The allegations in the FIR primarily relate to the allegations of harassment on account of dowry and *Istridhan* related criminal breach of trust.

The relevant part of compromise dated 24.03.2023 (copy whereof has been appended as Annexure P-2) reads as under:

*“4. That both the parties have agreed that they will not file any further case against each other in future. After filing the joint petition u/s 13-B of Hindu Marriage Act, both the parties will withdraw their respective cases and complaints filed against each other and the second party will suffer statement to allow the bail application of the first party and*

*will suffer statement for cancellation of FIR bearing No. 73 dated 25.05.2022, U/s 406, 498 A IPC, PS. City Nawanshahr, registered on the complaint of Ashwani Kumar against Manjit Randhwara and others. It is also settled-between the parties that out of the settlement amount of Rs. 10,00,000/- (ten Lakh) the first party will pay Rs 5,00,000/- at the time of suffering first motion statement in divorce petition filed under section 13-B of Hindu Marriage Act. The remaining amount of Rs.5,00,000/- will be paid by first party to second party at the time of suffering second motion statement in the divorce petition.*

*5. That it is also agreed that if first party fails to make payment of second installment of Rs.5,00,000/- then second party will be at liberty to file application for revival of all of her cases.*

*6. That it is also agreed that if the second party refuses to give divorce then the first party will have right claim back his Rs.5,00,000/- if so paid at first motion statement.*

*7. That with this settlement all the matters have been finally settled between the parties and the second party will not raise any kind claim regarding any articles against the first party and for past, present or future maintenance.*

*8. The certified copy of the settlement will be given to the parties free of cost.”*

2. Notice of motion of the instant petition was issued on 07.07.2023. *Dasti* service was effected upon respondent Nos.2 and 3 but they have chosen to remain un-represented.

3. Learned counsel for the petitioners has argued that the entire dispute(s) between the petitioners and the aggrieved wife was amicably settled & the petitioner-husband has fulfilled the entirety of requirements/conditions on his part as per the terms of the settlement dated 24.03.2023. Learned counsel for the petitioners has further argued that a decree of divorce by way of mutual consent was passed on 21.12.2023 by Principal Judge, Family Court, SBS Nagar, Punjab. Learned counsel for the petitioner has further argued that a sum of Rs.10 lacs was received by the respondent-wife in terms of the settlement arrived at between the parties.

Learned counsel for the petitioners has further argued that, respondent

statements recorded for quashing of the impugned FIR (as also proceedings emanating therefrom) in terms of a compromise entered into between the parties, only with a view to harass the petitioners as also to prolong the litigation. Thus, it has been argued that the FIR in question as also proceedings emanating therefrom deserve to be quashed.

4. Learned State counsel has not denied the factual aspect raised by learned counsel for the petitioners. Learned State counsel has further submitted that, as per his instructions, the compromise (Annexure P-2) was, in fact, entered into between the petitioners and the respondent-wife.

5. I have heard the learned counsel for the parties and have perused the record.

6. It would be apposite to refer herein to a judgment dated 29.04.2024 passed by this Court in '**Deepak Vs. State of Haryana and another**'; **Neutral Citation No.2024:PHHC:057546**, relevant whereof reads as under:

*“8. Though Section 498-A was brought into the IPC, by way of an amending act of 1983, with the salutary objective of curbing the evil of dowry, but judicial experience evinces that this provision along with Section 406 of IPC is being heavily misapplied by the complainant-wife to settle score(s) with her husband and his family members. This Court in the case of **Varun Sharma** (supra) has held that, it has been noticeable in several cases, that the wife tends to initiate criminal proceedings under Section 498-A of IPC against her husband as also his relatives, as a means of a ‘solution seeking redressal mechanism’ rather than actually seeking to criminally prosecute them. On numerous occasions an individual wail does not ensue due to a vengeful proclivity or anger, but owing to distressing disappointment endured by a discontented spouse (wife, in the present case), in securing a copacetic solution of the matrimonial discord. The predicament of such a discontented partner (wife) is exacerbated when she is mentally/emotionally enervated due to, inter alia, an acceptable solution not seemingly forthcoming, as a result resorting to actuating a torsion of criminal prosecution. Yet, the abovesaid cannot be stated to be true in all the cases. Nevertheless, the fact remains, that the above-said situation is*

*true for a large volume of cases being preferred in the Court(s). Ergo, the Courts ought to be prudent and cautious in dealing with such cases and must take into consideration all the pragmatic realities while evaluating the matrimonial discord related criminal cases. The Courts cannot be oblivious to countenancing the pragmatic and realistic necessities of time. The High Court, while exercising inherent and intrinsic powers under Section 482 of Cr.P.C. of 1973; ought to countenance the tangible and concrete realities and cannot engirth itself in an ivory tower.*

*8.1 It has been observed, inveterately, that a wife after having entered into a willful and valid compromise/settlement with the accused-husband and/or his family members, tends to reap all the benefits thereof and, thereafter, does not step forward for undertaking the necessary steps towards having the FIR in question quashed. The Hon'ble Supreme Court in cases of **Ruchi Agarwal** (supra) and **Mohd. Shamim** (supra) have extensively dealt with such like situation(s) & has enunciated that once the wife has reaped the benefit, she sought without contest on the basis of terms of such a compromise, it can be readily and unequivocally deciphered that conduct of such a wife in adopting dilatory tactics is only aimed at causing harassment to the husband/his family members. It is a settled cannon of our jurisprudence that credibility in the functioning of the justice delivery system and the reasonable perception of the affected parties are, but of-course, relevant considerations to ensure the continuation of public confidence in the credibility as also majesty of our jurisprudential set-up. Needless to say that faith of people in the efficacy of law is; saviour and succour for the sustenance of the rule of law.*

*8.2 The essential question that next arises is as to whether the High Court, by way of exercising of powers under Section 482 of Cr.P.C., can quash such an FIR (as also proceedings arising therefrom) in such a situation as was before Hon'ble Supreme Court in cases of **Ruchi Agarwal** (supra) and **Mohd. Shamim** (supra). The nature, scope and ambit of powers of the High Court under Section 482 of Cr.P.C., 1973 have been copiously delineated in the case of **Talima** (supra). The essential postulate that emerges is that the High Court; in its inherent jurisdiction under Section 482 of Cr.P.C.; has unbridled, unfettered and plenary powers. The only restriction on exercise of such powers is self restraint. Further, the nature, mode and extent of exercise of such intrinsic powers by the High Court depend upon the judicial discretion required to be wielded by a High Court in the facts and circumstance of a given case.*

*8.3 The Hon'ble Supreme Court in the case of **Mahmood Ali** case (supra) has held that in case of vexatious or malicious proceedings, the High Court is saddled with a bounden duty to look into the attending circumstances as also can even go on to read between the lines, while considering a plea for quashing*

*of an FIR (as also all proceedings arising therefrom). It is hence ineluctable that ends of justice are higher than ends of mere law though justice ought to be administered according to laws made by the legislature. Accordingly; the High Court in exercise of its inherent powers under Section 482 of Cr.P.C. of 1973; can even well “read between the lines” as also examine the “attending circumstances” in a case if its facts/circumstances so warrant.*

*9. As a sequel to above discussion, the following principles emerge:*

*I.(i) In an FIR, arising from matrimonial related dispute, where the complainant/wife has reaped the benefits of a compromise/settlement & nothing more is required to be done by the accused-side/husband then such FIR (as also proceedings emanating therefrom) deserves to be quashed.*

*(ii) In a case of above kind; the complainant/wife may, but of-course, raise plea(s) that such compromise/settlement was a result of fraud/coercion/duress etc. However, such plea(s) ought to be substantiated by tangible material and merely bald assertion in that regard would not suffice. Furthermore, before allowing the wife to raise such a plea(s), the Court may also consider directing the complainant/wife to return the financial benefit(s) received in pursuance of such compromise/settlement.*

*II. In a case where the accused side/husband has undertaken some steps, in terms of as also in furtherance, of the compromise/settlement & such accused are willing to undertake all further/remaining act(s), as required in terms of such compromise/settlement; the High Court will be well within its jurisdiction, under Section 482 of Cr.P.C. of 1973, to favorably consider such quashing petition upon the further/remaining act(s) being so undertaken by the accused side/husband.*

*III. No comprehensive/exhaustive guidelines can possibly be laid down in this regard as every case has its own unique factual conceptus. Needless to state that the High Court may exercise its intrinsic powers under Section 482 of Cr.P.C. of 1973 as called for in the facts/circumstance of a particular case.”*

7. As per the case pleaded by the petitioners; a compromise dated 24.03.2023 (Annexure P-2) was entered into between the petitioner-husband and respondent-wife. Acting upon the said settlement/compromise, the petitioner-husband has paid a sum of Rs.10 lacs to the respondent-wife towards final settlement of all claims towards maintenance/permanent

alimony etc. A judgment of divorce (by way of mutual consent) was also passed by the concerned Family Court.

8. A perusal of the settlement (Annexure P-2) dated 24.03.2023 also reflects that it was mutually agreed that the respondent-wife will suffer statement for cancellation of FIR in question. It is, accordingly, indubitably that respondent-wife has reaped all benefits from the compromise in question & nothing further remains on behalf of the petitioner-husband.

8.1 The above said factual matrix clearly reflects that the continuation of proceedings in the impugned FIR is nothing but sheer abuse of process of law and Courts. Nothing except harassment would be caused to the petitioners in case the proceedings in pursuance of the impugned FIR are permitted to continue. This Court, especially while exercising its inherent powers under Section 482 of Cr.P.C. of 1973, cannot be expected to turn Nelson's eye to the vexatious and virulent attempt(s) by unscrupulous elements in misusing the process of law in Courts. Hence, it would be expedient in the interest of justice that the impugned FIR (as also the proceedings emanating therefrom) are quashed.

8.2 Before parting with this judgment, it is pertinent to note that the conduct of respondent Nos.2 and 3 is inexplicable in terms of bona fide. Any attempt to misuse the process of law/Courts ought to be detested. The feeling of rancor or bitterness cannot be permitted to be genesis for procrastinating the culmination of legal proceedings especially when settlement/compromise has been arrived at between the rival parties. Abhorrence of such attempt(s) is pertinent. Ergo, the respondent Nos.2 and 3 deserve to be saddled with costs, which essentially ought to be in the nature of veritable real time costs.

Decision

9. In view of the above, it is directed as follows:
- (i) The impugned FIR No.73 dated 25.05.2022 (Annexure P-1) registered for the offences punishable under Sections 406 and 498-A of IPC at Police Station City Nawanshahar, District SBS Nagar as also all proceedings emanating therefrom are quashed.

(ii) The respondent Nos.2 and 3 are saddled with costs of Rs.20,000/- (each) which shall be deposited by them with Chief Judicial Magistrate (CJM), SBS Nagar within four weeks from today. In case such costs is deposited; CJM, SBS Nagar shall have the same remitted to Punjab State Legal Services Authority, Mohali. In case, the said costs is not deposited by respondent Nos. 2 and 3 as directed for; the CJM, SBS Nagar is directed to intimate the Deputy Commissioner, SBS Nagar who shall have such costs recovered from respondent Nos.2 and 3 as arrears of land revenue and upon realization thereof, the Deputy Commissioner, SBS Nagar shall have the same submitted to CJM, SBS Nagar, for further remittance thereof to Punjab State Legal Services Authority, Mohali. A compliance report be sent by CJM, SBS Nagar as also Deputy Commissioner, SBS Nagar to this Court accordingly.

(iii) Registry is directed to transmit a copy of this judgment to respondent Nos2 and 3; CJM, SBS Nagar as also Deputy Commissioner, SBS Nagar for requisite compliance.
10. Pending application(s), if any, shall also stand disposed off.

30.04.2024

Jasmine Kaur

Whether speaking/reasoned

Whether reportable

(SUMEET GOEL)

JUDGE

Yes No

Yes No