



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-32680-2023 (O&M)

Date of Decision: 21.11.2024

Najam Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. RVS Chugh, Advocate for the petitioners.

Ms. Aakanksha Gupta, A.A.G., Punjab.

None for respondent No.2.

NIDHI GUPTA, J. (ORAL)

Prayer in the present petition under Section 482 Cr.P.C. for quashing of the FIR No. 0123 dated 02.10.2022, under sections 498-A, 406, 506 IPC, 1860 registered at Police Station Boha, District Mansa (Annexure P-1) and subsequent proceeding thereto in the facts and circumstances of the present case on the basis of compromise deed entered into between the parties dated 14.07.2022 (Annexure P-2).

It is contended by learned counsel for the petitioners that petitioner No.1 is the husband, petitioner No.2 is the brother-in-law and petitioners No.3 and 4 are the parents-in-law of the complainant/respondent No.2 herein. Vide order dated 17.05.2024 passed by a Coordinate Bench of this Court, the parties were directed to record their statements for quashing of the above said FIR in view of the



compromise deed dated 14.07.2022 (Annexure P-2).

Learned counsel submits that despite the fact that petitioner No.1 and the complainant/respondent No.2 have been granted divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act vide judgment and decree dated 14.02.2023 passed by learned Principal Judge, Family Court, Mansa, and that the complainant has already received the entire amount of settlement of Rs.2,40,000/-, yet she is not coming forward to record her statement. A copy of the said judgment and decree dated 14.02.2023 have been handed over in Court today which are taken on record.

Learned counsel for the petitioners places reliance upon the judgment of Hon'ble Supreme Court in ***"Ruchi Agarwal Vs. Amit Kumar Agrawal"*** Law Finder Doc ID # 78949, wherein it has been held as under:-

"A. Criminal Procedure Code, Sections 320 and 482 – Indian Penal Code, Sections 498A and 506 – Criminal and Civil litigation between husband and wife – Parties entering into compromise and getting divorce by mutual consent – Wife, however, not withdrawing FIR under sections 498A and 506 Indian Penal Code, despite compromise – FIR quashed – Wife wanted to harass her husband even after getting the relief".

There is no representation on behalf of the complainant/respondent No.2 today, as also on the last date of hearing i.e. 25.10.2024.

Learned counsel for the State does not dispute the above said facts and has **'no objection'** in case, the present petition is allowed and



the impugned FIR (Annexure P-1) qua the petitioners is quashed.

A perusal of the above said judgment and decree dated 14.02.2023 placed on record by learned counsel for the petitioners shows that it is recorded therein that *“the petitioners shall remain bound by their statements given in the Court. They shall further remain bound by their statement relating to quashing of FIR number 123 of 02.10.2022 under Sections 498-A, 406, 506 IPC, PS Boha failing which this decree would be nullity and petitioner number 1 will liable to return the amount taken by her from petitioner number 2 alongwith interest @Rs.6% per annum.”*

This Court has heard the learned counsel for the parties and has perused the file.

In view of the above, this Court finds that the matter has been settled between the petitioners and respondent No. 2. The petitioner No. 1 and respondent No. 2 have already been granted decree of divorce by way of mutual consent vide judgment and decree dated 14.02.2023, and that the petitioner had also paid the entire agreed amount of Rs.2,40,000/- to the 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.

At this stage, reference may be made to the judgments of **“Ruchi Agarwal Vs. Amit Kumar Agrawal” Law Finder Doc ID # 78949; and Mohd. Shamim v Smt. Nahid Begum, Law Finder Doc Id # 81379**, wherein it has been held that in criminal/civil litigation between the husband and wife, once the parties have entered into compromise and



have sought divorce by mutual consent, if the wife does not withdraw FIR under Sections 498-A and 506 IPC then it is clear that the wife wants to harass the husband even after getting the relief and in such cases FIR ought to be quashed.

In **Ruchi Agarwal's case (supra)**, the wife filed SLP before the Hon'ble Supreme Court challenging the order of the Hon'ble Uttaranchal High Court whereby criminal complaint filed by the wife against the respondent husband was quashed. Facts were similar therein as the appellant-wife had resiled from compromise. In these circumstances, the Hon'ble Supreme Court quashed the FIR registered under Sections 498A, 323 and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act. Para 8 of said judgment reads as under:-

“8. In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the court if the criminal proceedings from which this appeal arises is allowed to continue. Therefore, we are of the considered opinion to do complete justice, we should while dismissing this appeal also quash proceedings arising from the Criminal Case No. Cr. No. 224/2003 registered in Police Station, Bilaspur, (Distt. Rampur) filed under sections 498A, 323 and 506 Indian Penal Code and under Sections 3 and 4 of the Dowry Prohibition Act against the respondents herein. It is ordered accordingly. The appeal is disposed of”.

In **Mohd. Shamim's case (supra)** Hon'ble Supreme Court held as under: -

“A. Criminal Procedure Code, Section 320-Indian Penal



Code, Section 406 and 498A - Compounding of offence - FIR under Sections 498A, 406 Indian Penal Code-Wife entering into settlement at intervention of court and accepting Rs. 2.25 lacs from husband - Wife backed out - FIR quashed - In view of conduct of wife, continuance of proceedings would be abuse of process of Court.

B. Criminal Procedure Code, Sections 320 and 482 - Indian Penal Code, Sections 498A and 406 - Compounding of offence-FIR under Sections 498A, 406 Indian Penal Code-Parties entering into settlement at the intervention of trial Judge- Wife accepted Rs. 2.25 lacs and another sum of 50,000 to be paid at the time of quashing the FIR- Petition for quashing of FIR-Wife backed out and stated agreement and affidavit were got signed by misrepresentation - FIR quashed - In view of conduct of wife continuance of Criminal proceedings would be an abuse of process of the Court. 2004(4) RCR (Criminal) 949 (SC) relied”.

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. 0123 dated 02.10.2022, under sections 498-A, 406, 506 IPC, 1860 registered at Police Station Boha, District Mansa (Annexure P-1) and subsequent proceeding thereto in the facts and circumstances of the present case on the basis of compromise deed entered into between the parties dated 14.07.2022 (Annexure P-2), are ordered to be **quashed** qua the petitioners.

Pending application, if any, stands disposed of.

21.11.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

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