

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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Date of order: 08.02.2024

CRM-M-33272-2023 (O&M)

Sukhwant Singh & Others

.....Petitioner(s)

Vs.

State of Punjab & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. R.V.S. Chugh, Advocate
for the petitioners.

Mr. C.L. Pawar, Addl. AG Punjab.

None for respondent No.2.

Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.41 dated 02.03.2023 (Annexure P-1) under Sections 498-A and 406 IPC registered at Police Station Sadar Mansa, District Mansa; and subsequent proceedings thereto in the facts and circumstances of the present case on the basis of compromise deed entered into between the parties dated 11.04.2023 (Annexure P2).

Vide order dated 15.12.2023 Co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the previous order dated 14.07.2023 with regard to the compromise dated 11.04.2023 (Annexure P-2).

Learned counsel for the petitioners inter alia submits that in pursuance to the compromise entered into between the parties, a decree of divorce dated 11.10.2023 has also been granted to the parties under Section 13-B of Hindu Marriage Act. It is further submitted that in compliance with the same, the petitioners have paid the entire alimony amount of Rs.14 lakh to respondent No.2/complainant; and Rs.5 lakh to their child. However, after that, respondent No.2 is not fulfilling her part of the compromise deed dated 11.04.2023 (Annexure P2), as per which she was required to withdraw all the cases filed and pending against the petitioners.

I have heard learned counsel for the petitioners.

Perusal of the case file shows that pursuant to order dated 15.12.2023 passed by Co-ordinate Bench of this Court parties, learned Additional Chief Judicial Magistrate, Mansa has sent his report dated 05.02.2024, wherein it has been mentioned that *“all the petitioners/accused appeared in the court on 08.01.2024 for recording their statements with regard to the genuineness of the compromise but respondent No.2 namely Ramanpreet Kaur who is the complainant in this case did not appear in the court on that date nor she appeared till today....”*.

Hence, it is clear that the present case is squarely covered by law laid down by 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”.

Also, 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 hereinbelow:-

“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.”

Even today there is no representation on behalf of respondent No.2/complainant.

In view of what has been discussed hereinabove, this petition is allowed and FIR No.41 dated 02.03.2023 (Annexure P-1) under Sections 498-A and 406 IPC registered at Police Station Sadar Mansa, District Mansa; and subsequent proceedings thereto in the facts and circumstances of the present case on the basis of compromise deed entered into between the parties dated 11.04.2023 (Annexure P2), are ordered to be quashed qua the petitioners.

Petition stands disposed of.

Pending application(s) if any also stand(s) disposed of.

08.02.2024

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No