

statements of the parties vide letter dated 22.07.2022 duly forwarded by the District & Sessions Judge, Jalandhar.

A perusal of the above said report would show that the petitioners 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.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, the petitioners-accused are party to the compromise and they have never been declared as proclaimed offender. It is submitted that there were 5 accused in the present FIR out of whom 3 were declared innocent however, all the five accused are before this Court as petitioners. It is stated that previously, petitioner No.4-husband herein was declared a proclaimed offender vide order dated 12.02.2018, however, the said order declaring petitioner No.4 a proclaimed offender had been quashed by a Co-ordinate Bench of this Court in CRM-M-41766 of 2021 vide order dated 06.10.2021. It is further submitted that the parties have been granted divorce under Section 13-B of the Hindu Marriage Act vide decree dated 10.12.2021 (Annexure P-8 herein).

It is pertinent to mention that according to the statement of the Investigating Officer appended with the report of the learned JMIC, Jalandhar, that complaint was moved against 6 persons, out of which 5 were declared innocent and case was registered only against petitioner No.4-husband.

Learned State counsel has stated that he 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 Judicial Magistrate, First Class, Jalandhar, this Court finds that the matter has been amicably settled between the petitioners 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 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.128 dated 17.06.2017 registered under Sections 406, 498-A of IPC (Section 420 IPC & Sections 10 & 12 of Passport Act added later) at Police Station Adampur, District Jalandhar along with all other consequential proceedings arising therefrom, on the basis of compromise, are ordered to be quashed qua the petitioners.

March 20, 2024

ps

(NIDHI GUPTA)
JUDGE

Whether speaking/ reasoned : *Yes/No*
Whether reportable : *Yes/No*