

Sr. No.286

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35883-2023
Date of decision: 22nd February, 2024

**NACHHATTAR PAL @ SONU @
NACHHATTAR SINGH AND ORS** **.....Petitioners**

versus

STATE OF PUNJAB AND ANR **.....Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. L.S. Mann, Advocate
for the petitioners.

Mr. Ramandeep Singh, Sr. DAG, Punjab.

Dr. Hardeep Singh, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.18 dated 01.03.2023, under Sections 498-A, 377, 34 IPC, 1860, registered at Police Station Nakodar Sadar, District Jalandhar Rural (Annexure P-1) on the basis of a compromise dated 25.08.2023, executed between the parties (Annexure P-4).
2. The FIR was registered at the instance of respondent No.2-wife on account of a matrimonial dispute between the parties.
3. Learned counsel for the petitioners contends that all the disputes between the parties stand resolved and the parties have entered into a compromise dated 25.08.2023 (Annexure P-4). As per the said compromise, the parties have decided to part ways and a joint petition under Section 13-B of the Hindu Marriage Act, 1955 has been filed by them. The dealing/transaction between the parties with

regard to dowry/*Istridhan*, has also been settled and the petitioner-husband has decided to pay an amount of Rs.3,00,000/- to the respondent No.2-wife qua permanent alimony/ compensation/*Istridhan*. The said amount has been handed over by the petitioner-husband to the Panchayat which will be handed over to respondent No.2-wife at the time of recording of joint statements of parties on first motion. Respondent No.2-wife does not want to take any action against the petitioner and she has no objection if the FIR is quashed.

4. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

5. Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties and submits that he has no objection if the present FIR against the present petitioners is quashed by this Court.

6. On 16.11.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

7. Pursuant to the aforesaid order, Ms. Ekta Sahota, PCS, SDJM, Nakodar, has sent a report dated 02.02.2024, through District and Sessions Judge, Jalandhar, with the following observations:-

- “1. Accused Nachhattar Pal @ Sonu, Malkiat Chand and Kulwinder Kaur as well as respondent Gurjit Kaur appeared in person in the Court on 14.12.2023 and their statements were recorded in writing.*
- 2. Statement of Investigating Officer ASI Tirath Ram was also recorded on 14.12.2023.*
- 3. As per the statement suffered by the parties, settlement/compromise dated 25.08.2023 is genuine, voluntary and without any coercion or undue influence.*

4. *As per the statement of the Investigating Officer, no other criminal case is pending against the parties except the present one.*
5. *As per the statement of Investigating Officer, no accused is proclaimed offender in the present case.”*

8. The Hon'ble Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others; 2007 (3) RCR (Criminal) 1052**, has held that the compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. While exercising powers under Section 482 of the Criminal Procedure Code, in the event of a compromise the power is not limited to matrimonial disputes alone. The only principle that can be laid down which has been incorporated in the Section itself i.e., “to prevent abuse of the process of any Court” or “to secure the ends of justice”. The relevant para Nos.25 and 28 read as under:-

“25. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Criminal Procedure Code. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court” or “to secure the ends of justice.

28. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord- tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation.”

9. Keeping in view the fact that the matter has been resolved; the parties have filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955 and

the petitioner-husband has decided to pay an amount of Rs.3,00,000/- to respondent No.2-wife qua permanent alimony, it would not be in the interest of the parties to continue with the proceedings, as such, to secure the ends of justice, the criminal proceedings deserve to be quashed.

10. Consequently, the present petition is allowed and FIR No.18 dated 01.03.2023, under Sections 498-A, 377, 34 IPC, 1860, registered at Police Station Nakodar Sadar, District Jalandhar Rural (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.

11. All the pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

22nd February, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No