

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

241

CRM-M-36594-2023

Date of Decision: 05.08.2024

Dalvir Singh @ Bittu

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ravi Chadda, Advocate for the petitioner.

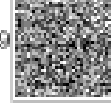
Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Pardeep Panwar, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

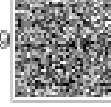
Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 0062 dated 28.05.2021 (Annexure P-1) registered under Section 498-A IPC at Police Station Gardhiwala, District Hoshiarpur and all consequential proceedings arising therefrom, on the basis of compromise dated 24.01.2023 (Annexure P-2) effected between the parties.

Pursuant to the order dated 20.04.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Dasuya, to get their statements recorded. Learned Judicial Magistrate Ist Class, Dasuya, has submitted his report along with statements of the parties vide letter dated 08.05.2024 duly forwarded by the learned District and Sessions Judge, Hoshiarpur.



A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared before the learned trial Court and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence. It is pertinent to mention herein that statement of the petitioner has been recorded through his father-Ajit Singh, being Special Power of Attorney Holder, as the petitioner is residing abroad.

Learned counsel for the petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner-husband who is residing abroad has filed the instant petition through his Attorney-Ajit Singh (father). Marriage of the petitioner with complainant/respondent No.2 was solemnized on 14.10.2020 and no child was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately since November, 2020. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 24.01.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question and the petitioner would pay an amount Rs.13,00,000/- in lump sum towards full and final settlement to complainant/respondent No. 2. It is also submitted that a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent has also been filed before the Family Court, concerned, wherein first motion statements of the parties have already been recorded



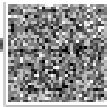
on 14.02.2023 (Annexure P-3) and half of the total agreed amount of Rs.13,00,000/- i.e. Rs.6,50,000/- already stands paid to complainant/respondent No. 2. Further, it is submitted that petitioner is the only accused in the present case and has never been declared as proclaimed offender.

Learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioner. It is also pointed out by learned counsel for the State that in the present case, cancellation report was presented before the learned Illaqa Magistrate, Dasuya on 16.02.2024.

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

After perusing the report submitted by the learned Judicial Magistrate Ist Class, Dasuya, this Court finds that the matter has been amicably settled between the petitioner 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. 0062 dated 28.05.2021 (Annexure P-1) registered under Section 498-A IPC at Police Station Gardhiwala, District Hoshiarpur and all consequential proceedings arising therefrom, on the basis of compromise dated 24.01.2023 (Annexure P-2) effected between the parties, are ordered to be quashed qua the petitioner.

05.08.2024
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(NIDHI GUPTA)
JUDGE

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