

282 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37362-2023 (O&M)
Date of Decision: 08.02.2024

SUKHWINDER SINGH AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Bhriugu Dutt Sharma, Advocate.
for the petitioners.

Mr. Amish Sharma, AAG Punjab.

Ms. Shazia K. Singh, Advocate,
for respondent Nos. 2 and 3.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 120 dated 13.12.2019 registered at Police Station Women Cell, District Jalandhar, under Sections 406, 498-A and 323 of IPC on the basis of compromise (Annexure P-2) between the parties.

2. Learned counsel for the petitioners *inter alia* contends that the FIR was registered at the instance of respondent No. 3-complainant (father-in-law of petitioner No.1 and father of respondent No.2) due to some misunderstanding between the parties and due to matrimonial dispute between petitioner No.1 (husband) and respondent No.2 (wife).

3. It is further contended on behalf of the petitioners that earlier petitioners No. 4 and 5, i.e. Jaswant Singh and Kulwant Kaur had filed a petition bearing CRM-M-19435-2023 before this Court seeking quashing of

the present FIR. In that petition, the parties were directed to appear before

the Mediation and Conciliation Centre of this Court, vide order dated 11.05.2023 passed by the co-ordinate Bench of this Court and the matter was adjourned for 24.07.2023. On that date, the report of the Mediator was received and as per that report the matter has been amicably settled between the parties. However, on request of learned counsel for the petitioner, the matter was adjourned for 16.11.2023. Thereafter, that petition was ordered to be dismissed as withdrawn vide order dated 18.08.2023 passed by the co-ordinate Bench of this Court.

4. It is further contended that now all the accused persons in the present FIR have filed the present petition, including petitioners No. 4 and 5 and as per the report of the learned Mediator which has been received in earlier case, the matter has been amicably settled between the parties. Respondents No. 2 and 3 do not want to take any action against the present petitioners. As per the terms of the compromise, both the parties have decided to live separately. It has been decided that a joint petition under Section 13-B of the Hindu Marriage Act, 1955, shall be filed by the parties. Petitioner No. 1 (husband) will pay a sum of Rs. 24,00,000/- to respondent No. 2 (wife) towards her past, present and future maintenance. Out of the said amount, Rs. 12,00,000/- will be paid at the time of recording of the statements of first motion before the Family Court and remaining Rs. 12,00,000/- will be paid at the time of recording of the statements of second motion. The custody of the minor child will remain with respondent No. 2.

5. In view of order dated 18.08.2023 passed by the Co-ordinate Bench in the present case, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statement regarding the compromise.

6.

Mr. Ravinder Singh Rana, Judicial Magistrate Ist Class,

Jalandhar has sent a report with the following observations after recording the statements of the petitioners, respondent Nos.2 & 3 and ASI Vinay Kumar (Investigating Officer) to the effect that the compromise is voluntarily and genuine. The petitioners have never been declared Proclaimed Offender. As per the report of the investigating officer, no other case is pending against the petitioners and there are only two aggrieved persons, i.e. respondent No. 2 and 3 in the present FIR.

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

8. Learned counsel appearing on behalf of respondent No. 2 and 3 has confirmed the factum of compromise between the parties and submits that she has no objection if the present petition is allowed.

9. 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 No.25 and 28 reads 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 ."

10. It was a matrimonial dispute. The parties have decided to resolve the same. A written settlement/agreement has been executed by the Mediator in the Mediation and Conciliation Centre of this Court which has been duly signed by both the parties. Both the parties have decided to amicably dissolve all *inter se* the litigation. As such, respondent No. 2 does not want to proceed with the present prosecution initially on the basis of the present FIR. The ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties. Since the compromise is without any coercion and pressure and the allegations in the FIR were not against the society, as such the criminal proceedings deserve to be quashed.

11. Consequently, this petition is allowed and FIR No. 120 dated 13.12.2019 registered at Police Station Women Cell, District Jalandhar, under Sections 406, 498-A and 323 IPC, and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

12. Pending miscellaneous application (s), if any, shall also stand disposed of.

08.02.2024

Janki/nitin

(HARPREET KAUR JEEWAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No