

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-42927-2019

Date of Decision: 29.07.2024

Piyush Diwan and others

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

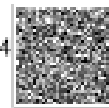
Present: - Mr. M.S. Talwar, Advocate for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 64 dated 07.07.2016 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women Cell, Patiala, Punjab and all consequential proceedings arising therefrom, on the basis of Settlement Agreement dated 21.05.2019 (Annexure P-2) arrived at between the parties before the Mediation and Conciliation Centre, District Court, Patiala.

Pursuant to the order dated 05.04.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Patiala, to get their statements recorded. Learned Judicial Magistrate Ist Class, Patiala, has submitted her report vide letter dated 15.06.2024 duly forwarded by the learned District and Sessions Judge, Patiala. It is pertinent to mention herein that although the report received from the

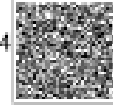


learned trial Court is in consonance with the statements of the parties, but statements of the parties have not been appended with the report.

A perusal of the above said report would show that the petitioners have appeared before the learned Judicial Magistrate Ist Class, Patiala and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence.

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 No.1 is the husband; whereas petitioners No. 3 and 4 are the parents-in-law of complainant/petitioner No. 2 before this Court. Marriage of the petitioner No. 1 with complainant/petitioner No.2 was solemnized on 24.02.2014 and one daughter was born out of the said wedlock. Due to matrimonial discord, the present FIR was lodged by petitioner No. 2 against petitioners No. 1, 3 and 4. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into Settlement Agreement dated 21.05.2019 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It is also submitted that petitioners No. 1 and 2 are living together harmoniously. Further, it is submitted that petitioners No. 1, 3 and 4 are the only accused persons in the present case and they have never been declared as proclaimed offender(s).

Learned State counsel has stated that he has 'no objection' in



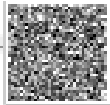
case the FIR is quashed on the basis of compromise qua the petitioners No. 1-husband and petitioners No. 3 and 4/parents-in-law of petitioner No. 2-complainant.

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, Patiala, this Court finds that the matter has been amicably settled between the parties. 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. 64 dated 07.07.2016 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Women Cell, Patiala, Punjab and all consequential proceedings arising therefrom, on the basis of Settlement Agreement dated 21.05.2019 (Annexure P-2) arrived at between the parties before the Mediation and Conciliation Centre, District Court, Patiala, are ordered to be quashed qua petitioners No. 1, 3 and 4 only.

29.07.2024
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(NIDHI GUPTA)
JUDGE

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