



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-39695-2023

Date of Decision: 14.05.2024

Umesh and another

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Monika Jangra, Advocate for the petitioners.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Ishan Kooner, Advocate for

Mr. Jatin Bansal, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 127 dated 21.11.2017 (Annexure P-1) registered under Sections 323/34, 354, 406, 498-A and 506 IPC and all the consequential proceedings arising therefrom on the basis of compromise deed dated 03.07.2023 (Annexure P-2) effected between the parties.

Pursuant to the order dated 15.02.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Jind, to get their statements recorded. Learned Judicial Magistrate Ist Class, Jind, has submitted her report along with statements of the parties vide letter dated 12.04.2024 duly forwarded by the learned District and Sessions Judge, Jind.

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 genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that marriage of petitioner No. 1 with respondent No. 2 was solemnized on 04.02.2016 and no child is born out of the said wedlock. Due to some misunderstanding, respondent No. 2/complainant has lodged the complaint, initially, against 05 persons i.e. (i) Petitioner No. 1-Umesh/husband, (ii) Raj Kumar/father-in-law, (iii) Vidya Devi/mother-in-law, (iv) petitioner No. 2-Gurcharan/ brother-in-law (Jeth) and (v) Sushma/sister in law (Jethani). However, upon investigation, the challan has been presented against both the petitioners herein. It is admitted by learned counsel for petitioners that earlier petitioner No. 2/brother-in-law of respondent No. 2/complainant is absconding, but now he has been granted anticipatory bail, as is evident from the status report dated 29.01.2024 filed on behalf of respondent No. 1-State, wherein in para 2(iii) it has been admitted that vide order dated 03.11.2023, passed by the learned Additional Sessions Judge, Jind, petitioner No. 2-Gurcharan had obtained interim stay of any proceedings against him in the present case in CRM-M-47698-2017. Now, better sense has been prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 03.07.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. Learned counsel submits that



petitioners are the only accused in the present FIR and they are party to the compromise.

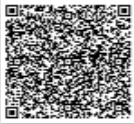
Learned State counsel has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioners.

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

After perusing the report submitted by the learned Judicial Magistrate Ist Class, Jind, 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. 127 dated 21.11.2017 (Annexure P-1) registered under Sections 323, 34, 354, 406, 498-A and 506 IPC and all the consequential proceedings arising therefrom on the basis of compromise deed dated 03.07.2023 (Annexure P-2) effected between the parties, are ordered to be quashed qua the petitioners.

14.05.2024
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(NIDHI GUPTA)
JUDGE

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