



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

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**CRM-M-39329-2023 (O&M)
Date of decision: 21.05.2024**

Surinder Singh**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA****Present:-** Mr. Adhiraj Toor, Advocate for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

Mr. Vinay Puri, Advocate for respondent No. 2 and 3.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No. 222 dated 27.11.2019, registered under Section 304-B of the Indian Penal Code, 1860 at Police Station Bhogpur, District Jalandhar (Rural) (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise dated 06.12.2022 (Annexure P-3) arrived at between the parties.

2. The aforementioned FIR had been lodged by respondent No.2/complainant and investigation was commenced thereon.

3. It is submitted by counsel for the petitioner that a compromise has been arrived at between the parties and they have resolved their *inter se* dispute, which was reduced into writing as compromise dated 06.12.2022, annexed with the present petition as Annexure P-3. Learned counsel for the petitioner has placed reliance upon '*Kulwinder Singh v. State of Punjab*



2007 (3) *Law Herald (P&H)* 2225', '*Madan Mohan v. State of Punjab* 2008 (2) *RCR (Criminal)* 429', '*Dimpey Gujraj v. Union Territory and others* 2013(1) *RCR (Criminal)* 745' and '*Gian Singh v. State of Punjab and another* 2012 (4) *RCR (Criminal)* 543' whereby the Hon'ble Supreme Court has observed that there is no statutory bar under the Code of Criminal Procedure which can affect the inherent power of High Court under section 482 and the court has wide power to quash the proceedings even in non-compoundable offence notwithstanding the bar under Section 320 of the Cr.P.C. in order to prevent the abuse of law and to secure the ends of justice.

4. Brief facts of the case relevant for the purpose of disposal of this petition are that the marriage of the present petitioner was performed with the victim on 16.05.2019. As he was working in Portugal and is residing there, therefore, just after a week of his marriage, he had gone back to Portugul. The victim had ended her life on 26.11.2019 by consuming celphas tablets. As per the allegations in the FIR, she was being harassed by her mother-in-law and sister-in-law on account of demand of dowry and threats were being extended to her to leave her matrimonial home, if their demands were not met. The present petitioner had also been booked for commission of offence punishable under Section 304-B of IPC. It has been brought on record that the co-accused Amarjit Kaur and Harjeet Kaur who were mother-in-law and sister-in-law respectively of the victim have since been acquitted of the charge as framed against them by the Court of learned Additional Sessions Judge, Jalandhar vide judgment dated 06.12.2022 (Annexure P-2). The contents of this judgment reveals that neither the complainant nor her husband who were the material witnesses of this case



had supported the prosecution version at all. Both of them turned hostile and did not depose anything either against the present petitioner or as against his mother and sister-in-law who faced trial. No doubt the victim has died within a period of seven and half months of her marriage with the petitioner. There is a presumption under Section 113-B of IPC that if the death of a woman is caused otherwise than under normal circumstances within seven years of her marriage and soon before her death, she is subjected to cruelty by her husband and relatives of her husband than she has died a dowry death. However, in the instant case, since the complainant and her husband who were the most important witnesses of the case have already not supported the prosecution version in the trial which was faced by the co-accused i.e. mother-in-law and sister-in-law of the victim and as it has come on record that on the date of the death of the victim, the petitioner was in Portugal and the complainant even stated during the course of trial faced by the co-accused that the victim was depressed as her husband was making efforts to take her to Portugal but could not succeed due to some visa problem, hence, committed suicide, therefore, no *prima facie* case for causing dowry death of the victim has been made out and it cannot be stated that the ingredients required for commission of offence punishable under Section 304-B of IPC were attracted. The parties have compromised the matter as per the plea taken in the petition written compromise Annexure P-2 had also been placed on record.

5. This Court vide order dated 03.04.2024 had directed the parties to appear before the Illaqua Magistrate/trial Court for recording their statements with regard to the genuineness of the compromise stated to have



been arrived at between them. The Illaqua Magistrate/trial Court was also directed to send his/her report along with the said statements.

6. Pursuant to the aforesaid order, the Judicial Magistrate First Class, Jalandhar has sent report vide endorsement No. 174 dated 02.05.2024 to this Court along with the statements of the petitioner recorded through Video Conferencing Facility, respondent No. 2 and 3 on 23.04.2024 as well as the statement of Investigating Officer ASI Karnail Singh, recorded on 30.04.2024.

7. On the basis of these statements, it is submitted by learned Magistrate that the compromise effected between the parties is genuine, out of free Will and without any pressure or coercion. It is also mentioned in the report that there is no there case against the petitioner and he has not been declared a proclaimed offender/person in this case.

8. I have heard learned counsel for the parties and besides perusing the report by learned Judicial Magistrate, have also perused the record.

9. It is well settled that the High Court has power to quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. Such power is not confined to matrimonial disputes alone. In this regard, reference can be made to a Full Bench judgment of this Court in *Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052*. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can



certainly be exercised in cases relating to offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as *Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543* and *Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466*.

10. In view of the proposition as settled in the aforementioned cases, this Court finds that continuation of proceedings would be an abuse process of the Court in the facts and circumstances of the present case which squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of the petitioner by quashing of the FIR would be securing the ends of justice, which is primarily the object of legislature enacted under Section 482 of Cr.P.C. Accordingly, the petition is allowed and the FIR No. 222 dated 27.11.2019, registered under Section 304-B of the Indian Penal Code, 1860 at Police Station Bhogpur, District Jalandhar (Rural) (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise dated 06.12.2022 (Annexure P-3) arrived at between the parties, are ordered to be quashed qua the petitioner



on the basis of the aforesaid compromise.

11. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before learned Judicial Magistrate.

[MANISHA BATRA]
JUDGE

21st May, 2024
Parveen Sharma

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| 1. <i>Whether speaking/ reasoned</i> | : | <i>Yes</i> |
| 2. <i>Whether reportable</i> | : | <i>Yes</i> |