



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-8728-2024 in/and
CRM-M-39320-2023
Date of Decision:21.05.2024

Raghav Dhir and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Tanvir Singh Attariwala, Advocate
for the petitioners.

Mr. S.S. Chahal, A.A.G., Punjab.

Ms. Tarranum Madan, Advocate for
Mr. Piyush Kant Jain, Advocate
for the respondent No.2/complainant.

NIDHI GUPTA, J. (ORAL)

CRM-8728-2024

Application under Section 482 Cr.P.C. for placing on record
the copy of judgment and decree dated 07.02.2024 passed by learned
Additional Principal Judge, Ludhiana and copy of 2nd motion statement
of respondent No. 2 (incorrectly written as respondent No.3) are taken on
record as Annexures P-8 and P-9.

CRM-M-39320-2023

The petitioners have filed the present petition under Section
482 Cr.P.C., for quashing of FIR No. 47 dated 12.07.2023 (Annexure P-
1) registered under Sections 406, 417, 498-A, 506 of IPC, at Police
Station Women, District Police Commissionerate Ludhiana and all



consequential proceedings arising therefrom, on the basis of compromise dated 01.08.2023 (Annexure P-2) effected between the parties.

Pursuant to the order dated 10.08.2023 passed by coordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Ludhiana, to get their statements recorded. Learned Judicial Magistrate 1st Class, Ludhiana, has submitted her report along with statements of the parties vide letter dated 29.09.2023 duly forwarded by the learned District & Sessions Judge, Ludhiana on 30.09.2023.

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 valid, genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, the petitioners are the only party to the compromise and have never been declared as proclaimed offenders. They are not involved in any other case. He further submits that vide judgment and decree dated 07.02.2024 passed by learned Additional Principal Judge (Family Court), Ludhiana, the parties have been granted divorce under Section 13-B of the Hindu Marriage Act.

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 1st Class, Ludhiana, 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. 47 dated 12.07.2023 (Annexure P-1) registered under Sections 406, 417, 498-A, 506 of IPC, at Police Station Women, District Police Commissionerate Ludhiana and all consequential proceedings arising therefrom, on the basis of compromise dated 01.08.2023 (Annexure P-2), are ordered to be quashed qua the petitioners.

21.05.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No