

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-40411-2024 (O&M)
Date of Decision: 21.11.2024

Dheeraj Sharma

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. B.S.Bajwa, Advocate for the petitioner.

Mr. Aditya Pal Singla, A.A.G., Haryana.

Mr. Deepak Kumar, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioner, who is the husband of the complainant/respondent No.2 has filed instant petition under Section 482 Cr.P.C./528 of the Bharatiya Nagarik Suraksha Sahinta, 2023, for quashing of FIR No. 0005 dated 18.01.2019 (Annexure P-1) registered under Sections 323, 354, 406, 498A and 506 IPC at Police Station Women, Kurukshetra, Haryana and all the consequential proceedings arising therefrom on the basis of affidavit/compromise dated 24.04.2024 (Annexure P-3) effected between the parties.

Pursuant to the order dated 22.08.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Kurukshetra, to get their statements recorded. Learned Judicial Magistrate 1st Class, Kurukshetra, has submitted her report along with



statements of the parties vide letter dated 11.10.2024 duly forwarded by the learned District and Sessions Judge, Kurukshetra.

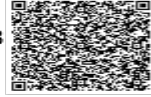
A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared and suffered statements with respect to the compromise, which have been found to be valid, genuine, voluntary and without any coercion or undue influence. There is no other criminal case pending against the petitioner. The petitioner has never been declared as proclaimed offender. The petitioner and respondent No.2 are the only party to the compromise.

Status Report dated 15.11.2024 filed by way of an affidavit of the Deputy Superintendent of Police, City Kurukshetra on behalf of respondent No.1-State of Haryana in Court today is taken on record.

Learned State counsel, on instructions from ASI Renu, Police Station Women, Kurukshetra, submits that in para 5 of the above said status report, it has inadvertently been wrongly mentioned that statements of both the parties were recorded on 04.09.2024 and 11.09.2024, whereas in actual fact, the statements of both the parties were recorded on 04.09.2024 and 17.09.2024. It is accordingly prayed that the said correction be carried out in the above said status report.

Prayer of learned State counsel is accepted and para 5 of the above said status report is corrected to the extent that '*both the parties gave their statements before the learned Trial Court on 04.09.2024 and 17.09.2024*' instead of 04.09.2024 and 11.09.2024.

Learned State counsel as well as learned counsel for respondent No.2 have stated that they have 'no objection' in case the FIR



is quashed on the basis of compromise qua the petitioner.

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, Kurukshetra, this Court finds that the matter has been amicably settled between the petitioner 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. 0005 dated 18.01.2019 (Annexure P-1) registered under Sections 323, 354, 406, 498A and 506 IPC at Police Station Women, Kurukshetra, Haryana and all the consequential proceedings arising therefrom on the basis of affidavit/compromise dated 24.04.2024 (Annexure P-3), are ordered to be **quashed** qua the petitioner.

Pending application, if any, stands disposed of.

21.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No