



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

257

CRM-M-40010-2024 (O&M)

Date of Decision: 11.09.2024

Rajbir Singh

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Khyati Oberoi, Advocate for
Ms. Tejaswini, Advocate for the petitioner.

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

Mr. Pranshul Dhull, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioner, who is father-in-law of the complainant/respondent No.2 herein, has filed the present petition under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (analogous to Section 482 Cr.P.C., 1973) for quashing of FIR No.58 dated 29.05.2019 (Annexure P-1) registered under Sections 323, 328/34, 498-A and 506 IPC (Section 328 IPC was deleted later on) at Women Police Station Jhajjar, District Jhajjar and all consequential proceedings arising therefrom, on the basis of compromise/joint first motion statement of the parties dated 03.04.2024 (Annexure P-3).

Pursuant to the order dated 21.08.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Jhajjar, to get their statements recorded. Learned Judicial Magistrate 1st



Class, Jhajjar, has submitted his report along with statements of the parties vide letter dated 09.09.2024 duly forwarded by the learned District and Sessions Judge, Jhajjar.

A perusal of the above said report would show that challan in the present FIR has been filed against the present petitioner and his son, namely, Anil Kumar. The petitioner, son of the petitioner and husband of the complainant/respondent No. 2 and respondent No. 2 have appeared and suffered statements with respect to the compromise/joint first motion statement of the parties dated 03.04.2024, which have been found to be valid, genuine, voluntary and without any coercion or undue influence.

Learned counsel for the petitioner submits that the present FIR emanates from the matrimonial dispute between the son of the petitioner, namely, Anil Kumar and respondent No.2. It is submitted that marriage of son of the petitioner with complainant/respondent No.2 was solemnized on 18.04.2016 and one daughter was born out of the said wedlock on 08.03.2017. Due to temperamental differences, the couple could not cohabit together and started residing separately since 26.04.2021. Now better sense has prevailed between the parties and in order to live peacefully, parties have amicably resolved all their disputes and accordingly, entered into compromise and filed a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of mutual consent before the learned Principal Judge, Family Court, Jhajjar; wherein first motion statement of the parties have already been recorded on 03.04.2024 (Annexure P-3) and the next date for recording second



motion statement of the parties is 08.10.2024. It is further mentioned in the joint statement (Annexure P-3) that the litigation(s) already pending between the parties would be withdrawn before recording second motion statement. The petitioner has never been declared as proclaimed offender and there is no other criminal case pending against the petitioner. It is further stated that vide order of even date passed by this Court in CRM-M-24446-2024, the present FIR has been quashed qua the son of the petitioner, namely, Anil Kumar.

Learned State counsel has filed status report dated 10.09.2024 by way of an affidavit of the Assistant Commissioner of Police, Beri, District Jhajjar on behalf of the respondent-State in Court today is taken on record. Learned State counsel, on instructions from SI Satbir Singh, has stated that he has '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, Jhajjar, 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

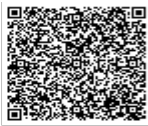


the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

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.58 dated 29.05.2019 (Annexure P-1) registered under Sections 323, 328/34, 498-A and 506 IPC (Section 328 IPC was deleted later on) at Women Police Station Jhajjar, District Jhajjar and all consequential proceedings arising therefrom, on the basis of compromise/joint first motion statement of the parties dated 03.04.2024 (Annexure P-3), are ordered to be **quashed** qua the



petitioner.

Pending application, if any, stands disposed of.

11.09.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

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