

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-41960-2023(O&M)

Date of order: 02.04.2024

Lalitesh Kant

.....Petitioner(s)

Vs.

State of Haryana & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Ram Bilas Gupta, Advocate
for the petitioner.

Mr. Aditya Pal Singla, AAG Haryana.

Mr. Hardeep Singh Brar, Advocate
for respondent No.2.

Nidhi Gupta, J.

Present petition under Section 482 Cr.P.C. is filed seeking quashing of FIR No.54 dated 01.06.2023 (Annexure P1) registered under Sections 323, 377, 406, 498-A and 506 IPC at Police Station Women, District Faridabad along with all consequential proceedings arising therefrom.

2. Learned counsel for the petitioner inter alia submits that the petitioner was married to respondent No.2 on 11.01.2015. Two sons were born out of this wedlock, who are in the care and custody of respondent No.2/wife. However, it is the petitioner who is maintaining the

children and is paying their school fees, and medical insurance etc. as is evident from Annexure P4. Present FIR emanates from a matrimonial discord between the parties. It is submitted that now the parties have settled all their disputes and have even been granted divorce vide decree dated 27.02.2024 passed by learned Additional Principal Judge, Family Court, Faridabad in a petition bearing No.HMA-1914-2023 filed under Section 13-B of Hindu Marriage Act, 1955. A copy of the said decree dated 27.02.2024 is handed over in Court and the same is taken on record. It has been noted in the said divorce decree that the parties *"...have amicably settled all their disputes regarding Istridhan, maintenance and share in property etc. in the manner as stated by them. Nothing remains to be due against either of the parties"*. Even the matter regarding custody of the minor children has been settled.

3. Mr. Hardeep Singh Brar, Advocate puts in appearance on behalf of respondent No.2/wife/complainant and files Memorandum of Appearance, which is taken on record.

4. Learned State Counsel and learned counsel for respondent No.2 do not dispute the above said contention made by learned counsel for the petitioner.

5. Learned State Counsel on instructions submits that the petitioner was the only accused in the present FIR and he has not been declared as Proclaimed Person in the present case.

6. I have heard learned counsel for the parties and perused the case file in detail.

7. 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.

8. 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 hereinbelow:-

“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.”

9. In view of the above, present petition is **allowed** and FIR No.54 dated 01.06.2023 (Annexure P1) registered under Sections 323, 377,

406, 498-A and 506 IPC at Police Station Women, Faridabad along with all consequential proceedings arising therefrom, is quashed qua the petitioner.

10. Pending application(s) if any also stand(s) disposed of.

02.04.2024

Sunena

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No