

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

2024:PHHC:091909



251

CRM-M-41854 of 2023

Date of Decision: 22.07.2024

Deepak Singla

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Nirmaljeet Singh Sidhu, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG Punjab.

Ms. Vaneeta Bansal, respondent No.2 in person.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 50 dated 26.8.2022, registered under Section 498-A/406 IPC, at Police Station Women Cell Bathinda, Punjab (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 14.2.2023 (Annexure P-2).

Pursuant to the order dated 19.10.2023 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Bathinda to get their statements recorded. Learned Judicial Magistrate Ist Class, Bathinda, has submitted her report along with copies of statements of the parties vide letter dated 6.11.2023 duly forwarded by the learned District and Sessions Judge, Bathinda.

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 genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner is the husband. Marriage of the petitioner with complainant/respondent No.2 was solemnized on 3.5.2021 and no child was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 14.2.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It is also submitted that the parties have been granted divorce vide decree dated 23.10.2023 in a joint petition filed under Section 13-B of the Hindu Marriage Act, 1955. Further, it is submitted that petitioner is the only accused in the present case and he has never been declared as proclaimed offender.

Vide last order dated 16.7.2024, the complainant/respondent No.2 who was present in Court had made a statement that her educational certificates/documents were in custody of petitioner and he was not returning the same.

Learned counsel for the petitioner has produced the judgment dated 23.10.2023 passed by learned Family Court granting divorce to the parties in a petition under Section 13-B of the Hindu Marriage Act, 1955 wherein in para-2 of the said judgment it has been recorded that the petitioner has received “ *in lump sum of Rs.2 lacs on account of her past, present, future maintenance and permanent alimony (including expenses of taking duplicate copy of her qualification certificates).*”

In view of above statement which is not denied by respondent No.2 who is present in Court, it is clear that statement made on the last date of hearing was incorrect.

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 Ist Class, Bathinda, 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. 50 dated 26.8.2022, registered under Section 498-A/406 IPC, at Police Station Women Cell Bathinda, Punjab (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise dated 14.2.2023 (Annexure P-2), are ordered to be quashed qua the petitioners.

22.07.2024

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Whether speaking/reasoned

Whether Reportable

yes

No

(NIDHI GUPTA)
JUDGE