

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

CRM-M-42407-2023

Date of Decision: 30.04.2024

Sushma Aggarwal and others

.... Petitioners

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the petitioners.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Monu Sharma, Advocate for

Mr. Rohit Mittal, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioners who are mother-in-law (petitioner No. 1); husband (petitioner No. 2); sister-in-law/*Nanad* (petitioner No. 3) and sister-in-law and brother-in law/*Nanad and Nandoi* (petitioners No. 4 and 5) of complainant/respondent No. 2 have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 60 dated 25.08.2020 (Annexure P-1) registered under Sections 323, 406, 498-A, 506 and 509 read with Section 34 IPC at Police Station Women, Rewari and all the consequential proceedings arising therefrom, on the basis of Settlement Agreement dated 29.05.2023 (Annexure P-2) arrived at between the parties before Mediation and Conciliation Centre of this Court.

Pursuant to the previous order dated 08.02.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Rewari, to get their statements recorded. Learned Judicial

Magistrate Ist Class, Rewari has submitted her report along with copies of statements of the parties vide letter dated 01.03.2024 duly forwarded by the learned District and Sessions Judge, Rewari.

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 without any fear, influence etc. Further, perusal of the report shows that petitioners are the only accused in the present case and none of them have been declared as proclaimed offender(s).

There is no representation on behalf of the petitioners. Mr. Vivek Singla, Advocate, earlier representing the petitioners has telephonically informed that he has no instructions in the matter as the petitioners have taken away brief from him.

Perusal of the file shows that the present FIR emanates from the matrimonial dispute between the parties. Marriage of the petitioner No. 2 with complainant/respondent No.2 was solemnized on 21.02.2020 and no child was born out of the said wedlock. Due to temperamental differences, the parties could not cohabit together and started residing separately since 02.03.2020 just after 10 days of the marriage. Now better sense has prevailed between the parties and in order to live peacefully, parties have arrived at Settlement Agreement dated 29.05.2023 (Annexure P-2) before Mediation and Conciliation Centre of this Court, according to which both the parties have agreed not to proceed further with the FIR in question. As per settlement, both the parties shall file a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for grant of divorce by way of mutual consent

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, Rewari, 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. 60 dated 25.08.2020 (Annexure P-1) registered under Sections 323, 406, 498-A, 506 and 509 read with Section 34 IPC at Police Station Women, Rewari and all the consequential proceedings arising therefrom, on the basis of Settlement Agreement dated 29.05.2023 (Annexure P-2) arrived at between the parties before Mediation and Conciliation Centre of this Court, are ordered to be quashed qua the petitioners.

30.04.2024
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(NIDHI GUPTA)
JUDGE

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