

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

247

CRM-M-54129-2022

Date of Decision: 02.04.2024

Satish Kumar

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Sachin Mittal, Advocate with
Mr. Parth Sharma, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Jai Singh Yadav, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner who is the husband of complainant-respondent No. 2 herein, has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 0009 dated 22.01.2017 (Annexure P-1) registered under Sections 323/34, 406, 498-A and 506 IPC at Women Police Station, Gurugram and all the consequential proceedings arising therefrom, on the basis of statement dated 10.12.2019 (Annexure P-2) suffered by complainant/respondent No. 2-wife.

Pursuant to the order dated 19.05.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Gurugram, to get their statements recorded. Learned Judicial Magistrate Ist Class, Gurugram, has submitted her report along with statements of the parties vide letter dated 15.06.2023

duly forwarded by the learned District and Sessions Judge, Gurugram.

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 without any fear or pressure and that the compromise has been voluntarily arrived at between them. It has also been mentioned in the report that the parties have reconciled and are happily residing together after amicable settlement of their disputes.

Learned counsel for the petitioner submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that the matter has amicably been settled between the parties before the Mediation and Conciliation Centre, Gurugram on 23.10.2019. Learned counsel also admits that parties have reconciled and are living happily as husband and wife. Further, it is submitted that initially, the FIR was lodged against 05 persons, however, upon investigation, challan has been presented only against the present petitioner and he has never been declared as proclaimed offender.

Learned State counsel 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 Ist Class, Gurugram, 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. 0009 dated 22.01.2017 (Annexure P-1) registered under Sections 323/34, 406, 498-A and 506 IPC at Women Police Station, Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise and statement dated 10.12.2019 (Annexure P-2) suffered by complainant/respondent No. 2-wife, are ordered to be quashed qua the petitioner.

02.04.2024
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(NIDHI GUPTA)
JUDGE

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