

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-47682-2023 (O&M)
Date of decision : 12.02.2024

AMANDIP SINGH AND ORSPETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHERRESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. Vipin Mahajan, Advocate
for the petitioners.

Mr. Ramandeep Singh Sr. Dy. A.G. Punjab.

Mr. Ketan Chopra, Advocate
for respondent No.2-complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No.41 dated 12.04.2015, under Sections 406 and 498-A of IPC, registered at Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur, on the basis of compromise dated 21.08.2023 (Annexure P-2), arrived at between the parties.
2. As per the petitioners, the present FIR is an outcome of a matrimonial dispute between petitioner No.1 and respondent No.2 which has now been resolved and a written compromise deed, dated 21.08.2023 (Annexure P-2) has been effected between the parties and both the parties have filed a joint petition for grant of mutual divorce under Section 13-B of the Hindu Marriage Act. A sum of Rs. 6,00,000/- has been settled as

maintenance amount out of which the petitioners have paid a sum of Rs. 3,00,000/- to respondent No.2 at the time of the statement of first motion and now the said matter is fixed for 28.02.2024 for recording the statement of the parties of second motion. The remaining amount of Rs. 3,00,000/- is to be paid on that day. Respondent No.2 does not want any action against the petitioners.

3. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

4. Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties and submits that he has no objection if the present FIR against the present petitioners are quashed by this Court.

5. On 13.12.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

6. Pursuant to the aforesaid order, Sh. Harjinder Singh, Judicial Magistrate, 1st Class, Batala, has sent a report with following observations while recording the statement of the petitioners, respondent No. 2-complainant and ASI Sukhraj Singh (the investigating officer).:-

- *The compromise is willful and without any pressure or misrepresentation.*
- *Identity of the parties was ascertained by their respective Advocates.*
- *There is no other accused involved in the matter.*
- *The petitioner has never been declared Proclaimed Offender in the present FIR.*
- *As per record given by the investigating officer no other case against any of the accused is pending as on the day.*
- *FIR was registered against the accused only.*

7. The Hon'ble Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, has held that the compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. While exercising powers under Section 482 of the Criminal Procedure Code, in the event of a compromise the power is not limited to matrimonial disputes alone. The only principle that can be laid down which has been incorporated in the Section itself i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice". The relevant para No.25 and 28 reads as under:-

"25. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Criminal Procedure Code The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice.

28. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord- tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power; especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation ."

8. It was a matrimonial dispute, the parties have decided to resolve the same. A joint petition under Section 13-B of the Hindu Marriage Act has also been filed. The issue of maintenance has also been settled. No dispute is left inter-se to parties, as such, continuing the proceedings in the present FIR

is not in the interest of justice. The compromise is without any coercion and pressure and the allegations in the FIR were not against the society. The ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties.

9. Consequently, the present petition is allowed and FIR No.41 dated 12.04.2015, under Sections 406 and 498-A of IPC, registered at Police Station Civil Lines, Batala, Police District Batala, District Gurdaspur and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.

10 Pending miscellaneous applications(s), if any, shall also stands disposed of.

February 12, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

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