



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

230

CRM-M-52356-2022(O&M)

Date of Decision: 31.05.2024

VISHAL GUPTA

....Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER

....Respondents

CORAM : HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. S.S. Saron, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

Mr. Amit Dhawan, Advocate for respondent no.2.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.0260 dated 13.11.2021 under Sections 323, 341, 354-A, 308, 498-A, 506, 509 and 34 of IPC registered at Police Station Sarabha Nagar, District Ludhiana and all the subsequent proceedings arising therefrom, on the basis of compromise dated 06.06.2022 (Annexure P-2).

2. The aforementioned FIR had been lodged by respondent No.2/complainant and investigation was commenced thereon.

3. It is submitted by counsel for the petitioner that a compromise has been arrived at between the parties and they have resolved their *inter se* dispute, which was reduced into writing as compromise dated 06.06.2022 annexed with the present petition as Annexure P-2.



4. On the basis of said compromise, the petitioner has prayed for quashing of the aforesaid FIR and all the subsequent proceedings on the ground that continuation of such proceedings would be a futile exercise.

5. This Court vide order dated 29.05.2023 had directed the parties to appear before the Illaqa Magistrate/Duty Magistrate for recording their statements with regard to the genuineness of the compromise stated to have been arrived at between them. The Illaqa Magistrate/Duty Magistrate was also directed to send his/her report along with the said statements.

6. Pursuant to the aforesaid order, the learned Chief Judicial Magistrate, Ludhiana has sent report vide endorsement No. 331 dated 06.05.2024 to this Court along with photocopies of the statement of respondent No.2 and statement of the petitioner recorded on 29.04.2024 and statement of Investigating Officer ASI-Subhash Kumar as recorded on 29.04.2024.

7. On the basis of these statements, it is submitted by learned Magistrate that the compromise effected between the parties is genuine, out of free Will and without any pressure or coercion. It is also mentioned in the report that apart from the petitioner, there is no other accused in the FIR and that the accused have not been declared proclaimed persons in this case.

8. I have heard learned counsel for the parties and besides perusing the report by learned Judicial Magistrate, have also perused the record.

9. It is well settled that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution



under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. Such power is not confined to matrimonial disputes alone. In this regard, reference can be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052***. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases relating to offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as ***Gian Singh v. State of Punjab and another, 2012 (4) RCR (Criminal) 543*** and ***Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466***.

10. On 29.05.2024, submission was made by learned counsel for respondent no.2 that she is facing some difficulty in obtaining visa for her



children whose custody is with her as the signature of the petitioner no.1 are required for that purpose.

In view of situation so explained, parties were directed to appear in person for today. The petitioner no.1 has appeared through video conferencing mode, however, respondent no.2 has not appeared today. Learned counsel for the petitioner no.1 has drawn attention to Clause VII.1 at Page 53 of the settlement deed executed between the parties. The parties had agreed that in case of any dispute or difference arising between the them, they will approach the Sole Arbitrator. Sh. Subhash Khandelwal. The respondent no.2 also recorded her statement before the learned Chief Judicial Magistrate in pursuance of direction given by this Court vide order dated 29.05.2023 and as per which she has no objection if the FIR of this case is quashed in terms of the settlement arrived at between the parties. It has come on record that respondent no.2/complainant has derived all benefits from the settlement deed and no condition qua obtaining signature of petitioner no.1 for obtaining visa or completing any other formalities or either been stipulated in the settlement deed nor required to be done. As such, the submission as made by learned counsel for respondent no.2 to ask the petitioner no.1 for completing the appending any signature is not required looked into by this Court and that dispute can be taken care of Sole Arbitrator as appointed between the parties.

11. In view of the proposition as settled in the aforementioned cases, this Court finds that continuation of proceedings would be an abuse process of the Court in the facts and circumstances of the present case which



squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of the petitioner by quashing of the FIR would be securing the ends of justice, which is primarily the object of legislature enacted under Section 482 of Cr.P.C. Accordingly, the petition is allowed and the FIR No.0260 dated 13.11.2021 under Sections 323, 341, 354-A, 308, 498-A, 506, 509 and 34 of IPC registered at Police Station Sarabha Nagar, District Ludhiana and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioner on the basis of compromise dated 06.06.2022 (Annexure P-2).

11. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before learned Judicial Magistrate.

31.05.2024

Deepak Patwal

(MANISHA BATRA)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No