

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-49829-2023

Date of Decision: 21.03.2024

Lovekesh Garg

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. S.K. Bhar, Advocate for
Mr. Johan Kumar, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Akshit Mehta, Advocate for respondent No. 2

NIDHI GUPTA, J. (ORAL)

The petitioner who is the husband of respondent No. 2-complainant has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 241 dated 26.09.2021 (Annexure P-1) registered under Sections 323/34, 406 and 498-A IPC at Women Police Station, NIT Faridabad, District Faridabad and all the consequential proceedings arising therefrom, on the basis of first and second motion joint statements of the parties dated 25.01.2023 and 02.08.2023(Annexure P-2) recorded in a petition under Section 13-B of the Hindu Marriage Act, 1955; decree of divorce dated 02.08.2023 (Annexure P-3) and affidavit of respondent No. 2-complainant dated 05.10.2023 (Annexure P-5).

Pursuant to the order dated 17.11.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned

Judicial Magistrate Ist Class, Faridabad, to get their statements recorded. Learned Judicial Magistrate Ist Class, Faridabad, has submitted her report along with of statements of the parties vide letter dated 20.12.2023 duly forwarded by the learned District and Sessions Judge, Faridabad.

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 ill-will, pressure and coercion from any side.

Learned counsel for the petitioner submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that the FIR was lodged against 04 persons, however, upon investigation, challan has been presented only against the present petitioner. It is further submitted that the petitioner has never been declared as proclaimed offender. Moreover, the parties have already been granted divorce by way of mutual consent vide decree of divorce dated 02.08.2023 (Annexure P-3).

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, Faridabad, 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. 241 dated 26.09.2021 registered under Sections 323/34, 406 and 498-A IPC at Women Police Station, NIT

Faridabad, District Faridabad and all the consequential proceedings arising therefrom, on the basis of first and second motion joint statements of the parties dated 25.01.2023 and 02.08.2023(Annexure P-2) recorded in a petition under Section 13-B of the Hindu Marriage Act, 1955; decree of divorce dated 02.08.2023 (Annexure P-3) and affidavit of respondent No. 2-complainant dated 05.10.2023 (Annexure P-5), are ordered to be quashed qua the petitioner.

21.03.2024
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(NIDHI GUPTA)
JUDGE

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