

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

280

CRM-M-51803-2022

Date of Decision: 18.03.2024

Darshan Kaur

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Munish Behl, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

Mr. Raghav Bali, Advocate for
Mr. Sahil Khunger, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioner who is mother-in-law of complainant/ respondent No. 2 has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 31 dated 06.02.2021 (Annexure P-1) registered under Sections 323 read with Section 34, 406, 498-A and 506 IPC and Section 3 of of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Mahesh Nagar, District Ambala and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 19.10.2022 (Annexure P-2).

Pursuant to the order dated 11.11.2022 passed by a co-ordinate Bench of this Court, the parties appeared before the learned

Additional District and Sessions Judge, Ambala, to get their statements recorded. Learned Additional District and Sessions Judge, Ambala, has submitted his report along with copies of statements of the parties vide letter dated 08.12.2022 duly forwarded by the learned District and Sessions Judge, Ambala.

A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared and suffered statement with respect to the compromise, which has been found to be genuine, voluntarily and without any duress and coercion and out of their free will.

Learned counsel for the petitioner submits that 02 persons, namely, Satnam Singh/son of the petitioner herein/husband of respondent No. 2-complainant, and Darshan Kumar (petitioner herein) were named in the FIR in question. However, Satnam Singh/husband of respondent No. 2-complainant is residing abroad and, therefore, he is not a party to the compromise dated 19.10.2022 (Annexure P-2). It is submitted that the petitioner in the present case is the mother-in-law of respondent No. 2-complainant and she is party to the aforesaid compromise. She has never been declared as proclaimed offender.

The Hon'ble Supreme Court in ***Jayrajsinh Digvijaysinh Rana Versus State of Gujarat and another, 2012(4) R.C.R. (Criminal) 589***, has held that partial quashing of the FIR is permissible on the basis of compromise.

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 Additional District and Sessions Judge, Ambala, this Court finds that the matter has been amicably settled between the petitioner and the complainant. 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.”

The High Court of Delhi in *Crl. M.C. 1741/2021, Sunil Tomar vs. The State of NCT of Delhi and another, 2022(2) Cri. CC 179*, has held that partial quashing or part quashing of FIR only qua the petitioner/accused with whom the complainant has compromised or settled the matter can be allowed and while quashing, it must be appreciated that the petitioner/accused cannot be allowed to suffer based on a complaint filed by the respondent, when subsequently, all disputes have been settled between the parties.

In view of what has been discussed here-in-above, this petition is allowed and FIR No. 31 dated 06.02.2021 (Annexure P-1) registered under Sections 323 read with Section 34, 406, 498-A and 506 IPC and Section 3 of of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Mahesh Nagar, District Ambala, along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioner only.

18.03.2024
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**