

CRM Nos. 19359-2024 in/and
CRM-M-50103-2023

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2024 PHHC:063341



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM Nos. 19359-60-2024 in/and
CRM-M-50103-2023

Date of Decision: 07.05.2024

Sahil Kakkar and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Akhil Kashyap, Advocate for the applicant-petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Anish Verma, Advocate for the respondent No. 2.

NIDHI GUPTA, J. (ORAL)

CRM-19359-2024

Application is allowed, as prayed for.

Copy of judgment and decree dated 16.04.2024, passed by the learned Family Court, Freezepur Camp Court at Zira, filed along with the application is taken on record as Annexure A-1, subject to all just exceptions.

CRM-19360-2024

Prayer in this application filed under Section 482 Cr.P.C. is for preponing the date of hearing in the main case from 27.05.2024 to an early date.

Notice of the application to learned counsel opposite.

On the asking of Court, Mr. Kunwarbir Singh, AAG,



Punjab, accepts notice on behalf of respondent No. 1-State; whereas Mr. Anish Verma, Advocate who is present in Court, accepts notice on behalf of non-applicant/respondent No. 2.

Learned counsel for respondent No. 1-State as well as learned counsel for non-applicant/respondent No. 2 have pleaded 'no objection', in case the present application is allowed.

In view of the above and for the reasons mentioned in the application, the same is allowed and the date of hearing in the main case is pre-poned from 27.05.2024 to today, itself.

CRM-M-50103-2023

The petitioners who are husband (petitioner No. 1) and parents-in-law (petitioners No. 2 and 3) of complainant/respondent No. 2 have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 0021 dated 18.07.2023 (Annexure P-1) registered under Sections 498-A, 406, 354, 506 and 323 read with Section 34 IPC at Police Station Women, District Ferozepur and all the consequential proceedings arising therefrom, on the basis of Settlement Agreement dated 18.08.2023 (Annexure P-2) arrived at between the parties before the Mediation and Conciliation Centre, Ferozepur.

Pursuant to the order dated 14.11.2023 passed by a co-ordinate Bench of this Court, the parties have appeared before the learned Chief Judicial Magistrate, Ferozepur, to get their statements recorded. Learned Chief Judicial Magistrate, Ferozepur, has submitted his report along with statements of the parties vide letter dated 06.12.2023 duly forwarded by the learned District and Sessions Judge,



Ferozepur.

A perusal of the above said report would show that the petitioners and respondent No. 2 have appeared and suffered statements with respect to the compromise and admitted that compromise entered into between the parties voluntarily.

Learned counsel for the petitioners, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. Marriage of the petitioner No. 1 with complainant/respondent No.2 was solemnized on 21.04.2021 and one daughter was born out of the said wedlock, who is in the care and custody of petitioner No. 1. Due to temperamental difference, the parties could not cohabit together and started residing separately. Now, better sense has prevailed between the parties and in order to live peacefully, parties have entered into Settlement Agreement dated 18.08.2023 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question and decided to part away mutually and peacefully. As per terms and conditions No. 5(b) of the agreement petitioner No. 1 had already paid the entire agreed amount of Rs.17,00,000/- to respondent No. 2-complainant and nothing remains due against petitioner No. 1. It is also submitted that now the parties have been granted divorce by way of mutual consent under Section 13-B of the Hindu Marriage Act, 1955, by the learned Family Court, Ferozepur Camp Court at Zira, vide judgment and decree dated 16.04.2024 (Annexure A-1). Further, it is submitted that the petitioners are the only accused in the present case and they have never been declared as proclaimed offender(s).



Learned State counsel has stated that he has ‘no objection’ in case the FIR is quashed on the basis of compromise qua the petitioners.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Chief Judicial Magistrate, Ferozepur, this Court finds that the matter has been amicably settled between the petitioners 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. 0021 dated 18.07.2023 (Annexure P-1) registered under Sections 498-A, 406, 354, 506 and 323 read with Section 34 IPC at Police Station Women, District Ferozepur and all the consequential proceedings arising therefrom, on the basis of Settlement Agreement dated 18.08.2023 (Annexure P-2) arrived at between the parties before the Mediation and Conciliation Centre, Ferozepur, are ordered to be quashed qua the petitioners.

07.05.2024
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(NIDHI GUPTA)
JUDGE

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