

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-53340-2022

Date of Decision: 03.04.2024

Amrik Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr.G.S. Bhatia, Advocate for the petitioners.

Mr. S.S. Chahal, AAG, Punjab.

Mr. Haripal, Advocate for
Mr. APS Sandhu, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The petitioners who are parents-in-law (petitioners No. 1 and 2) and sister-in-law (petitioner No. 3/*Nanad*) of complainant-respondent No. 2 herein, have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 150 dated 01.06.2014 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Jandiala Guru, District Amritsar Rural and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 13.10.2022 (Annexure P-2) effected between the parties.

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, Amritsar, to get their statements recorded. Learned Judicial Magistrate Ist Class, Amritsar, has submitted his report along with copies statements of the parties vide letter dated 08.12.2022

duly forwarded by the learned District and Sessions Judge, Amritsar.

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, which have been found to be genuine, voluntary and without any coercion or undue influence. It has further been reported that there are 04 accused in the present case i.e. the present petitioners and Pawandeep Singh-husband of complainant/respondent No. 2 and he was declared as proclaimed person on 16.08.2019.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. Marriage of complainant/respondent No.2 with Pawandeep Singh, son of the petitioners No. 1 and 2 was solemnized on 25.11.2011 and one daughter was born out of the said wedlock on 10.07.2013, who is currently in the care and custody of respondent No. 2. Due to temperamental differences, the parties could not cohabit together and started residing separately since 23.07.2013. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise deed dated 13.10.2022 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question and have decided to part ways. Further, it is submitted that the present FIR was lodged against 04 persons, namely; Amrik Singh, Surinder Kaur, Kamaldeep Kaur/petitioners herein and Pawandeep Singh/husband of complainant/respondent No. 2. Presently, he is residing in United States of America and was declared as proclaimed person by the learned trial Court vide order dated 16.08.2019. It is stated that Pawandeep Singh, has also filed a separate

petition bearing CRM-M-11695-2023, for the same relief as well as for quashing of order dated 16.08.2019, through his Special Power of Attorney holder/father-Amrik Singh, petitioner No. 1 herein.

Learned State as well as learned counsel for respondent No. 2-complainant have not disputed that aforesaid submissions of learned counsel for the petitioners and submit that they have '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 Judicial Magistrate Ist Class, Amritsar, 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. 150 dated 01.06.2014 (Annexure P-1) registered under Sections 498-A and 406 IPC at Police Station Jandiala Guru, District Amritsar Rural and all the consequential proceedings arising therefrom, on the basis of compromise deed dated 13.10.2022 (Annexure P-2) , are ordered to be quashed qua the petitioners.

03.04.2024
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(NIDHI GUPTA)
JUDGE

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