

282

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52499-2023 (O&M)

Date of Decision: 31.01.2024

RAKESH KUMAR AND ANOTHER

.....PETITIONERS

Vs.

STATE OF PUNJAB AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Bhavi Kapoor, Advocate,
for the petitioners.

Mr. Kunwarbir Singh, A.A.G., Punjab.

Mr. Deepinder Virk, Advocate,
for respondent No. 2.

HARPREET KAUR JEEWAN J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Criminal Procedure Code, 1973 is for quashing of the FIR No. 102 dated 05.12.2017 under Sections 406 and 498-A of the IPC, registered at Police Station Women, District Police Commissionerate Ludhiana, on the basis of a compromise executed between the parties.
2. On 02.11.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.
3. Pursuant to the aforesaid order, Smt. Shivani, Judicial Magistrate First Class, Ludhiana, has sent a report with following observations:-
 - The compromise is willful and without any pressure or misrepresentation.*

- *Identity of the parties was ascertained by their respective Advocates.*
- *The petitioners have never been declared Proclaimed Offender in the present FIR.*
- *As per record given by the investigating officer no other case against any of the accused is pending as on the day.*
- *Compromise is forwarded in original.*
- *This is your kind information, please.*

4. Learned counsel for the petitioners *inter alia* contends that the petitioners are the mother-in-law and the father-in-law of respondent No. 2-complainant at whose instance the FIR was registered. The matter has been amicably settled and a compromise was effected between the parties. The son of the petitioners namely Nishant Mittal and respondent No. 2 filed a joint petition under Section 13-B of the 1955 for dissolution of their marriage and both agreed that respondent No. 2 will not take any action in the present FIR and this fact is so recorded in paragraph No. 9 of the said petition (Annexure P-2). Both, the son of the petitioners and respondent No. 2 have submitted their affidavits qua first motion statements in the said joint petition as Annexures P-3 and P-4.

5. It is further contended that the proceedings qua the son of the petitioners have already been quashed by the co-ordinate Bench of this Court, vide order dated 13.04.2023 (Annexure P-5), passed in CRM-M-56035-2022, titled Nishant Mittal vs. State of Punjab and another. As per the settlement the custody of the minor child was agreed to be with the son of the petitioners (the father of the child).

6. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

7. Learned counsel appearing on behalf of respondent No. 2 has confirmed the factum of compromise between the parties and submits that he

has no objection if the present FIR against the present petitioner is quashed by this Court.

8. The Hon'ble Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others 2007 (3) RCR (Criminal) 1052**, has held that the compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. While exercising powers under Section 482 of the Criminal Procedure Code, in the event of a compromise the power is not limited to matrimonial disputes alone. The only principle that can be laid down which has been incorporated in the Section itself i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice". The relevant para No.25 and 28 reads as under:-

"25. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Criminal Procedure Code The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice.

28. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord- tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation ."

9. Keeping in view the relationship between the petitioners and respondent No. 2 and the fact that the compromise is voluntary the fact that

the parties want to bury their dispute and do not want to further drag the litigation, the ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties. Since the compromise is without any coercion and pressure and the allegations in the FIR were not against the society, as such the criminal proceedings deserve to be quashed.

10. Consequently, the present petition is allowed and No. 102 dated 05.12.2017 under Sections 406 and 498-A of the IPC, registered at Police Station Women, District Police Commissionerate Ludhiana and all the subsequent proceedings emanating therefrom are ordered to be quashed qua the petitioners.

11. Pending miscellaneous application (s), if any, shall also stand disposed of.

January 31, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No