

Sr. No.315

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52372-2023
Date of decision: 23rd January, 2024

HIMMAT PAL SINGH TAUNQUEPetitioner

versus

STATE OF PUNJAB AND ANRRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vivek Singh, Advocate for
Mr. Vivek Salathia, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Balwan Singh, Advocate for
Mr. Vikramjeet Singh, Advocate
for respondent No.2/complainant.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.0051 dated 20.03.2023, under Sections 354-A, 509 IPC, registered at Police Station City Rupnagar, District Rupnagar (Annexure P-1), on the basis of compromise dated 26.09.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioner contends that the petitioner is the brother-in-law of respondent No.2/complainant and the present FIR was registered at the instance of respondent No.2/complainant on account of some misunderstanding. Learned counsel for the petitioner further contends that the matter has been settled between the parties and the petitioner has paid an amount of Rs.35,00,000/- by way of demand draft in favour of respondent No.2/complainant before the learned Chief Judicial Magistrate, Rupnagar. The petitioner has also handed over the vacant possession and keys of the house to respondent No.2/complainant. Now, nothing is due

on the part of the petitioner and respondent No.2/complainant has no objection if the present FIR is quashed.

[3] Learned counsel appearing on behalf of respondent No.2/complainant has confirmed the factum of compromise between the parties.

[4] On 16.10.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 01.12.2023 of the Chief Judicial Magistrate, Rupnagar, through the District & Sessions Judge, Rupnagar, has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“Complainant Kanishka Saloni wife of Manmeet Singh Taunque resident of H.No.1711/B, Pucca Bagh, Near Punjab and Sindh Bank, Rupnagar, District Rupnagar, now resident of H.No.9, Ist Floor, Maharaja City, Rupnagar, District Rupnagar has suffered statement to the effect that "FIR No.51 dated 20.03.2023, Police Station City Rupnagar, under Section 354-A, 509 of IPC, has been registered by me against accused namely Himmat Pal Singh Taunque. Now I have compromised with the accused. Attested Copy of mutual compromise dated 26.09.2023 is Ex.P1 and other compromise dated 01.12.2023 is Ex.P2. I have compromised the matter out of my own sweet will, without any undue influence and pressure and I agree with the same. Today I have received Rs.35 lacs by way of demand drafts bearing No. 758388 of Rs. 10 lacs, demand draft bearing No.758387 of Rs.10 lacs, demand draft bearing No.758389 of Rs. 15 lacs issued by Punjab and Sind Bank dated 01.12.2023 and also handed over the vacant possession and keys of the house. Copy of demand drafts is Mark B-1, Mark B-2 and Mark B-3. Now, nothing is due against the other party. I have no objection if the present FIR against the above said accused Himmat Pal Singh is quashed as per compromise. Copy of my Adhaar card is already Mark A".

On the other hand, accused Himmat Pal Singh Taunque son of Jagpal Singh Taunque, resident of H.No.72, Sector-18-A, Chandigarh, now resident of H.No.1711/B, Pucca Bagh, Near Punjab and Sindh Bank, Rupnagar, District Rupnagar also suffered his statement to the effect that

"FIR No.51 dated 20.03.2023, Police Station City Rupnagar, under Section 354-A, 509 of IPC has been registered against me on the instance of complainant i.e. Kanishka Saloni W/o Manmeet singh Taunque R/o H. No.1711/B, Pucca Bagh, Near Punjab and Sindh Bank, Rupnagar, District Rupnagar, now resident of H.No.9, Ist Floor, Maharaja City, Rupnagar, District Rupnagar. Now I have compromised with the complainant. Attested Copy of mutual compromise dated 26.09.2023 is Ex.Pl and other compromise dated 01.12.2023 is Ex. P2. I have compromised the matter out of my own sweet will, without any undue influence and pressure and I agree with the same. Today I have paid Rs. 35 lacs to complainant Kanishka Saloni by way of demand drafts bearing No. 758388 of Rs. 10 lacs, demand draft bearing No. 758387 of Rs. 10 lacs, demand draft bearing No. 758389 of Rs. 15 lacs issued by Punjab and Sind Bank dated 01.12.2023 and also received the vacant possession and keys of the house. Now, nothing is due towards the complainant. Copy of my Adhaar Card is Mark C. No other criminal case is pending against us. The FIR in question may kindly be quashed as per compromise"

Investigation Officer ASI Sukhwinder Singh No.621/R, posted at Police Station City Runagar also suffered a separate statement to the effect that "I am Investigating Officer of FIR No.51 dated 20.03.2023, Police Station City Rupnagar, under Section 354-A, 509 of IPC which has been registered by complainant i.e. Kanishka Saloni W/o Manmeet singh Taunque against accused Himmat Pal Singh Taunque S/o Jagpal Singh Taunque. No other criminal case is pending against any of the party. No proclamation proceedings are pending against either of the parties.

The para-wise report is as follows:-

- 1. From the statements of both the parties got recorded by them in the Court, it appears that Kanishka Saloni (complainant) and Himmat Pal Singh Taunque (accused) have effected voluntary and genuine compromise out of their own free will, without any pressure and coercion of any manner.*
- 2. As per statement of Investigation Officer ASI Sukhwinder Singh, no other criminal case is pending against the parties.*
- 3. As per statement of Investigation Officer ASI Sukhwinder Singh, no proclamation proceedings are pending against either of the parties."*

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

[7] Hon'ble the 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 High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] As per the contentions, the petitioner is the brother-in-law (husband's brother) of the complainant/respondent No.2. Brother of the petitioner had expired on 12.04.2022. Respondent No.2 has lodged the FIR (Annexure P-1) against the petitioners, who are the relatives of her husband (since deceased). It was alleged in the FIR that after the death of her husband, the petitioner and the complainant are residing in the same house in the same portion. The petitioner, who is the brother of husband of the complainant, is residing at the first floor. Even one of the petitioners, who is the mother-in-law of the complainant, is also residing in the same house. There was some dispute with regard to the agricultural land owned by the family of the petitioner. As per the FIR, it also transpires that even the petitioner-Himmat Singh Taunque, was having a matrimonial dispute with his wife. As per the compromise, it was a family dispute and even the issue regarding share of the complainant-respondent No.2 in the immovable property of the joint family remained after the death of husband-respondent No.2. Now the parties have mutually settled all their disputes including their share in the immovable property. The agreement is mutual and without any coercion. Parties have given quietus to the dispute. In terms of the compromise, the petitioner has already paid an amount of Rs.35,00,000/- by way of demand draft in favour of respondent No.2/complainant before the learned Chief Judicial Magistrate,

house to respondent No.2/complainant. The complainant does not want to pursue the FIR registered at her instance, as such, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.0051 dated 20.03.2023, under Sections 354-A, 509 IPC, registered at Police Station City Rupnagar, District Rupnagar (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

[10] However, the respondent No.2-complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 26.09.2023 (Annexure P-2) are violated.

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

(HARPREET KAUR JEEWAN)
JUDGE

23rd January, 2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No