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2024:PHHC:039624

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-12510-2024 in/and
CRM-M-54134-2023

Date of Decision: 18.03.2024

Nitin Gupta and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. R.D. Sharma, Advocate for the petitioners.

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

Mr. Joginder Siwach, Advocate for the respondent No. 2.

NIDHI GUPTA, J. (ORAL)

CRM-12510-2024

Application is allowed, as prayed for.

Copy of judgment and decree of divorce by way of mutual consent dated 16.11.2023 (Annexure P-4) is taken on record, subject to all just exceptions.

CRM-M-54134-2023

The petitioners who are husband (petitioner No. 1); parents-in-law (petitioners No. 2 and 3) and brother-in-law (husband of *Nanad/Jija*) of respondent No. 2-complainant have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 17 dated

28.02.2020 (Annexure P-1) registered under Sections 498-A 406 and 506 IPC at Police Station Division No. 1, Pathankot, District Pathankot and all the consequential proceedings arising therefrom, on the basis of compromise dated 16.09.2023 (Annexure P-2) effected between the parties.

Pursuant to the order dated 30.10.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class (Duty), Pathankot, to get their statements recorded. Learned Judicial Magistrate Ist Class (Duty), Pathankot, has submitted his report along with copies of statements of the parties vide letter dated 13.12.2023 duly forwarded by the learned District and Sessions Judge, Pathankot.

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 voluntarily, without any coercion or undue influence.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report of the trial Court, the FIR was lodged against 04 persons/petitioners herein, however, upon investigation, challan has been presented only against petitioner No. 1-Nitin Gupta/husband of the complainant. The learned trial Court has recorded the statements qua genuineness of compromise of all the petitioners. It is further submitted that the petitioners have never been declared as

proclaimed offender. Moreover, the parties have been granted divorce by way of mutual consent vide decree of divorce dated 16.11.2023 (Annexure P-4).

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 Judicial Magistrate Ist Class (Duty), Pathankot, 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. 17 dated 28.02.2020 (Annexure P-1) registered under Sections 498-A 406 and 506 IPC at Police Station Division No. 1, Pathankot, District Pathankot, along with all other consequential proceedings arising therefrom on the basis of compromise, are ordered to be quashed qua the petitioners.

18.03.2024
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(NIDHI GUPTA)
JUDGE

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No