

2024:PHHC:091877



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

252

CRM-M-59631-2023
Date of Decision: 22.07.2024

Dhruv Jyoti Chakraborty

.... Petitioner

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTAPresent: - Mr. Savjeet Brar Advocate for
Mr. Shivam Sharma, Advocate for the petitioner.

Mr. Aditya Pal Singla, AAG, Haryana.

Ms. Nikhaka Mittal, Advocate for
Mr. Karan Sirohi, Advocate for respondent No.4.**NIDHI GUPTA, J. (ORAL)**

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 38/2020 registered under Sections 498-A, 323, 406, 506 IPC at Police Station Women Central, Faridabad and all the consequential proceedings arising therefrom on the basis of compromise.

Pursuant to the order dated 08.05.2024 passed by this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Faridabad to get their statements recorded. Learned Judicial Magistrate Ist Class, Faridabad, has submitted her report along with copies of statements of the parties vide letter dated 20.7.2024 duly forwarded by the learned District and Sessions Judge, Faridabad.

A perusal of the above said report would show that the petitioners and respondent No. 4 have appeared and suffered statements with respect to the compromise which have been found to be genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioner, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner is the husband; Marriage of the petitioner with complainant/respondent No.4 was solemnized on 30.11.2011 and one daughter was born out of the said wedlock on 22.10.2016. Due to temperamental differences, the parties could not cohabit together and started residing separately since 17.11.2019. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise according to which, both the parties have agreed not to proceed further with the FIR in question. It is also submitted that the parties have been granted divorce vide decree dated 1.4.2024 in a joint petition filed under Section 13-B of the Hindu Marriage Act, 1955. Further, it is submitted that initially three persons were named in the FIR, however, challan has been filed only against the present petitioner. It is further submitted that the petitioner has never been declared as proclaimed offender.

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

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, Faridabad, this Court finds that the matter has been amicably settled between the petitioner and respondent No. 4. 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. 38/2020 registered under Sections 498-A, 323, 406, 506 IPC at Police Station Women Central, Faridabad and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed qua the petitioners.

22.07.2024

reema

**Whether speaking/reasoned
Whether Reportable**

**yes
No**

**(NIDHI GUPTA)
JUDGE**