



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-59178-2022

Date of Decision: 22.05.2024

Swaran Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ashok Giri, Advocate for the petitioners.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Ravi Rana, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 16 dated 07.02.2021 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Tanda, District Hoshiarpur and all the consequential proceedings arising therefrom on the basis of settlement agreement dated 31.07.2021 (Annexure P-2) arrived at between the parties.

Pursuant to the orders dated 20.11.2023, 19.12.2023 and 24.02.2023, passed by coordinate Benches of this Court, the parties have appeared before the learned Judicial Magistrate Ist Class, Dasuya, to get their statements recorded. Learned Judicial Magistrate Ist Class, Dasuya, has submitted her report along with copies of the statements of the parties vide letter dated 22.02.2024 duly forwarded by the learned District and Sessions Judge, Hoshiarpur.



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 valid, genuine, voluntary and without any coercion and undue influence.

Learned counsel for the petitioners, *inter alia*, submits that the present FIR emanates from the matrimonial dispute between the parties. Petitioner No. 1 is the father-in-law, petitioner No. 2 is the Jethani, petitioner No. 3 is the Nanad and petitioner No. 4 is the husband of complainant/respondent No. 2. Marriage of petitioner No. 4 with respondent No. 2 was solemnized on 10.03.2019. Due to temperamental differences, the parties could not cohabit together and started residing separately. Now better sense has prevailed between the parties and in order to live peacefully, parties have entered into compromise dated 31.07.2021 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. Petitioner No. 4 and respondent No. 2 have already been granted divorce by way mutual consent under Section 13-B of the Hindu Marriage Act, 1955, vide judgment and decree dated 06.09.2022 (Annexure P-3) passed by the learned Family Court, Hoshiarpur Camp Court at Dasuya. Further, it is submitted that there are total 05 accused, out of which one accused, namely, Dalip Kaur, has expired on 04.12.2022 and the remaining 04 accused are the petitioners herein and they have never been declared as proclaimed offender(s).

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, Dasuya, 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. 16 dated 07.02.2021 (Annexure P-1) registered under Sections 406 and 498-A IPC at Police Station Tanda, District Hoshiarpur and all the consequential proceedings arising therefrom on the basis of settlement agreement dated 31.07.2021 (Annexure P-2) arrived at between the parties, are ordered to be quashed qua the petitioners.

22.05.2024
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(NIDHI GUPTA)
JUDGE

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