

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

298

CRM-M-60136-2022

Date of Decision: 06.03.2024

Tarwinder Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Gagandeep Singh Sirpikhi, Advocate for the petitioner.

Ms. Aakansha Gupta, A.A.G., Punjab.

Mr. Vishal Sodhi, Advocate for the complainant.

NIDHI GUPTA, J. (ORAL)

The petitioner who is husband of respondent No.2-complainant has filed the present petition under Section 482 Cr.P.C., for quashing of criminal complaint No. 03 of 13.01.2014 (Annexure P-1) filed by respondent No. 2 under Section 498-A/406 IPC as a Protest Petition in FIR No. 35 dated 12.03.2011 registered under Sections 498-A/406 IPC, at Police Station City, Batala in the Court of Ld. SDJM, Batala and all subsequent proceedings arising therefrom against the petitioner on the basis of the compromise dated 07.09.2022 (Annexure P-4) effected between the parties.

Pursuant to the order dated 23.12.2022 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate Ist Class, Batala, to get their statements recorded.

Learned Judicial Magistrate Ist Class, Batala, has submitted his report along with statements of the parties vide letter dated 28.02.2023. It is further noticed that a petition filed under Section 13(B) of the Hindu Marriage Act is allowed vide order dated 08.12.2023 by the Court of The Principal Judge, Family Court, Thane and decree of divorce is granted to the parties.

A perusal of the above said report would show that the petitioner 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 or undue influence.

Learned counsel for the petitioner submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, petitioner is the only accused and has never been declared as proclaimed offender.

Learned State counsel has stated that she 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, Batala, this Court finds that the matter has been amicably settled between the petitioner 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 criminal complaint No. 03 of 13.01.2014 (Annexure P-1) filed by respondent No. 2 under Section 498-A/406 IPC as a Protest Petition in FIR No. 35 dated 12.03.2011 registered under Sections 498-A/406 IPC, at Police Station City, Batala in the Court of Ld. SDJM, Batala and all subsequent proceedings arising therefrom

against the petitioner on the basis of the compromise dated 07.09.2022
(Annexure P-4), are ordered to be quashed qua the petitioner.

06.03.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No