

284 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-59505-2023 (O&M)

Date of Decision: 05.02.2024

HARSH MANN ALIAS HARSH GHARU ... PETITIONER
V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ram Krishan Rana, Advocate for the petitioner.
Mr. Kunwarbir Singh, AAG, Punjab.
Mr. Kuldip Singh Saini, Advocate for respondent No.2.
* * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No. 268 dated 20.06.2020 registered at Police Station Zirakpur, District SAS Nagar under Section 498-A of IPC on the basis of compromise dated 28.09.2023 (Annexure P-3) between the parties.

2. Learned counsel for the petitioner contends that the FIR was registered at the instance of respondent No.2-complainant, who is the wife of the present petitioner. A copy of the compromise dated 28.09.2023 (Annexure P-3) executed between the parties has been annexed herewith. They have decided to live separately. A joint petition under Section 13-B of the Hindu Marriage Act, 1955, has also been filed before the learned Family Court.

3. In view of order dated 28.11.2023 passed by this Court in the present case, the parties were directed to appear before the trial Court/Illaq Magistrate for recording their statement regarding the compromise.

4. Mr. Pavleen Singh, Sub Divisional Judicial Magistrate, Derabassi has sent a report with the following observations after recording

the statements of the petitioner, respondent No.2 and HC Ramandeep Singh

(Investigating Officer):-

*“ (i) The compromise is willful and without any pressure or misrepresentation.
(ii) Identity of the parties was ascertained by their respective Advocates.
(iii) There is no other accused involved in the matter other than the petitioner.
(iv) The petitioner has never been declared Proclaimed Offender in the present FIR.
(v) As per record given by the investigating officer no other case against the accused is pending as on the day.
(vi) FIR was registered against the accused only.
(vii) Compromise is forwarded in original.
(viii) This is for your kind information, please.”*

5. Learned State counsel has not raised any objection regarding the acceptance of the present petition.

6. Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties and submits that he has no objection if the present petition is allowed.

7. The Hon'ble 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 compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. While exercising powers under Section 482 of the Criminal Procedure Code, in the event of a compromise the power is not limited to matrimonial disputes alone. The only principle that can be laid down which has been incorporated in the Section itself i.e., “to prevent abuse of the process of any Court” or “to secure the ends of justice”. The relevant para No.25 and 28 reads as under:-

“25. To conclude, it can safely be said that there can never be any hard and fast category which can be prescribed to enable the Court to exercise its power under Section 482 of the Criminal Procedure Code. The only principle that can be laid down is the one which has been incorporated in the Section itself, i.e., "to prevent abuse of the process of any Court" or "to secure the ends of justice."

28. The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Criminal Procedure Code is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is "finest hour of justice. Disputes which have their genesis in a matrimonial discord, landlord- tenant matters, commercial transactions and other such matters can safely be dealt with by the Court by exercising its powers under Section 482 of the Criminal Procedure Code in the event of a compromise, but this is not to say that the power is limited to such cases. There can never be any such rigid rule to prescribe the exercise of such power, especially in the absence of any premonitions to forecast and predict eventualities which the cause of justice may throw up during the course of a litigation."

8. Keeping in view the relationship between the petitioner and respondent No. 2, the fact that the compromise is voluntary and that the parties want to bury their dispute and do not want to further drag the litigation, the ends of justice would meet if FIR and consequential proceedings are quashed by accepting the compromise between the parties. Since the compromise is without any coercion and pressure and the allegations in the FIR were not against the society, as such the criminal proceedings deserve to be quashed.

9. Consequently, this petition is allowed and FIR No. 268 dated 20.06.2020 registered at Police Station Zirakpur, SAS Nagar under Section 498-A of IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

10. Pending miscellaneous application (s), if any, shall also stand disposed of.

05.02.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No