



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-8167-2024

Date of Decision: 14.05.2024

Gurdeep Singh and others

.... Petitioners

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Ruby Kaur, Advocate for the petitioners.

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

Mr. H.K. Brinda, Advocate for respondent No. 2.

NIDHI GUPTA, J. (ORAL)

Prayer in the instant 2nd petition filed under Section 482 Cr.P.C. is for quashing of FIR No. 234 dated 12.10.2019 (Annexure P-1) registered under Sections 498-A and 406 IPC and all the consequential proceedings arising therefrom on the basis of compromise deed dated 04.07.2024 (Annexure P-2) effected between the parties.

Pursuant to the order dated 16.02.2024 passed by 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 statements of the parties vide letter dated 21.03.2024 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 voluntary, without any coercion and undue influence. It has further been reported that statement of petitioner No. 2-husband has been recorded through his father/SPA Holder/petitioner No. 1 herein.

Learned counsel for the petitioners, *inter alia*, submits that this is the second petition for quashing of FIR on the basis of compromise as the first petition i.e. CRM-M-11421-2023 was withdrawn on 29.5.2023 as after filing of that petition, the complainant refused to record her statement in support of the compromise. Learned counsel submits that the present FIR emanates from the matrimonial dispute between the parties. It is submitted that petitioner No.1 is the father-in-law, petitioner No.2 is the husband (represented through his father/petitioner No.1 being Special Power of Attorney holder), petitioner No.3 is mother-in-law, petitioner No.4 is sister-in-law and petitioner No.5 is also sister-in-law of the complainant/respondent No.2 herein. Marriage of the petitioner No.2 with complainant/respondent No.2 was solemnized on 29.1.2018. Both the parties are residing separately. Now better sense has prevailed and in order to live peacefully, petitioner No.1-Gurdeep Singh (father-in-law) himself and on behalf of his son/petitioner No.2 herein/husband of the complainant/respondent No.2 entered into compromise with the complainant/respondent No.2 dated 04.7.2022 (Annexure P-2), according to which, both the parties have agreed not to proceed further with the FIR in question. It is also submitted that a joint petition under Section 13-B of the Hindu Marriage Act, 1955, for divorce by way of



mutual consent has also been filed before the Family Court, concerned, wherein first and second motion statements of the parties have already been recorded. Further, it is submitted that all the petitioners have been named in the FIR and have never been declared as proclaimed offenders.

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. 234 dated 12.10.2019 (Annexure P-1) registered under Sections 498-A and 406 IPC and all the consequential proceedings arising therefrom on the basis of compromise deed dated 04.07.2024 (Annexure P-2) effected between the parties, are ordered to be quashed qua the petitioners.

14.05.2024

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(NIDHI GUPTA)

JUDGE

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