



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRM-M No.63724 of 2023
Date of decision:27.05.2024**

AMIT**.... Petitioner**

Versus

STATE OF HARYANA AND ANOTHER**.... Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present : Mr.Manan Khetarpal, Advocate for the petitioner.

Ms. Nidhi Garg, A.A.G., Haryana.

Mr. Om Malhan, Advocate for respondent No.2.

MANISHA BATRA, J. (oral)

1. The present petition has been filed under Section 482 of Code of Criminal Procedure for quashing of FIR No.196 dated 16.07.2020 under Sections 498-A, 323 and 506 of IPC, 1860 and Section 3(1)(r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (from hereon referred to as 'SC/ST Act') registered at Police Station Ramnagar, District Karnal (Annexure P-1) and all the subsequent proceedings arising therefrom, on the basis of compromise dated 19.10.2023(Annexure P-2).

2. The aforementioned FIR had been lodged by respondent No.2/complainant and investigation was commenced thereon. Initially, the complaint was filed against the present petitioner who is the husband of the complainant and both of his parents. However, after the completion of investigation challan was presented only against the present petitioner as the investigating agency did not find anything against the parents.



3. It is submitted by counsel for the petitioners that a compromise has been arrived at between the parties and they have resolved their *inter se* dispute, which was reduced into writing as compromise dated 19.10.2023 annexed with the present petition as Annexure P-2.

4. On the basis of said compromise, the petitioners have prayed for quashing of the aforesaid FIR and all the subsequent proceedings on the ground that continuation of such proceedings would be a futile exercise.

5. Learned State counsel has submitted that since the allegations levelled by respondent No.2 against the petitioner fall within the purview of SC/ST Act and the offences under the said Act are not compoundable, therefore, the petition does not deserve to be allowed.

6. As per the allegations in the FIR, the petitioner who is the husband of respondent No.2 performed love marriage with her on 15.10.2017 but soon after the marriage, the petitioner and his family members had started torturing her on account of demand of dowry and by raising demand of dowry and by raising demand of car and gold ring. She alleged that her parents-in-law used to insult her by saying caste related remarks. When she disclosed about the behaviour of his family members to the petitioner then instead of supporting her, he too used to physically assault her. She further alleged that on 07.12.2017, the petitioner and his parents had used caste related words when her parents came to meet her and did not behave with them properly. The petitioner has been booked for the commission of offence punishable under Sections 3(1)(r) of SC/ST Act. As per this provision, any person who intentionally insults or intimidates with intent to humiliate a member of Scheduled Caste or Scheduled Tribe in any public place within public view



commits an offence. It is well settled proposition of law that mere uttering of caste based words does not show any *mens rea* to humiliate a victim belong to SC caste community if such words are not proved to be uttered within public view. In the instant case, first of all there is nothing on record to show in what manner respondent No.2 and her family members were insulted by the petitioner and which particular words were uttered which caused humiliation to them. As such, provisions of SC/ST Act are not *prima facie* attracted in this case and accordingly, the offence under Section 506 of IPC which stemmed out of the alleged offence under Section 3(1)(r) of SC/ST Act is also not made out.

7. This Court vide order dated 10.04.2024 had directed the parties to appear before the trial Court for recording their statements with regard to the genuineness of the compromise stated to have been arrived at between them. The trial Court was also directed to send his/her report along with the said statements.

8. Pursuant to the aforesaid order, the Additional District and Sessions Judge, Karnal has sent report vide endorsement No.53 dated 29.04.2024 to this Court along with the statements of respondent No.2/complainant, petitioners/accused and statement of Investigating Officer Inspector-Suresh Kumar recorded on 26.04.2024.

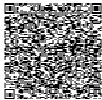
9. On the basis of these statements, it is submitted by learned Additional Sessions Judge that the compromise effected between the parties is genuine, out of free Will and without any pressure or coercion. It is also mentioned in the report that apart from the petitioner, there is no other accused



in the present case and that the accused has not been declared proclaimed person.

10. I have heard learned counsel for the parties and besides perusing the report by learned Additional Sessions Judge, have also perused the record.

11. It is well settled that the High Court has power to allow compounding of a non-compoundable offence and quash the prosecution under Section 482 of Cr.P.C. where it feels that the same is required to prevent the abuse of process of law or otherwise to secure the ends of justice. Such power is not confined to matrimonial disputes alone. In this regard, reference can be made to a Full Bench judgment of this Court in ***Kulwinder Singh and others v. State of Punjab, 2007 (3) RCR (Criminal) 1052***. It is equally settled position of law that the power of High Court in quashing criminal proceedings or FIR or complaint in exercise of its inherent jurisdiction is of wide plenitude with no statutory limitation. Such power can certainly be exercised in cases relating to offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. The High Court is required to consider whether it would be unfair or contrary to the interest of justice to continue with the criminal proceedings or continuation of criminal proceedings would tantamount to abuse of process of law and whether to secure the ends of justice, it is appropriate to put an end to the criminal case and if the answer to such question is in affirmative, then the High Court is well within its jurisdiction to quash the criminal proceedings. Reference in this context can be made to Hon'ble Apex Court judgments cited as ***Gian Singh v. State of***



Punjab and another, 2012 (4) RCR (Criminal) 543 and Narinder Singh and others vs. State of Punjab and another, 2014 (6) SCC 466.

12. In view of the proposition as settled in the aforementioned cases, this Court finds that continuation of proceedings would be an abuse process of the Court in the facts and circumstances of the present case which squarely falls within the ambit and parameters settled by judicial precedents and that allowing and accepting the prayer of the petitioner by quashing of the FIR would be securing the ends of justice, which is primarily the object of legislature enacted under Section 482 of Cr.P.C. Accordingly, the petition is allowed and the FIR No.196 dated 16.07.2020 under Sections 498-A, 323 and 506 of IPC, 1860 and Section 3(1)(r) of SC/ST Act (Annexure P-1) and all the subsequent proceedings arising therefrom, are ordered to be quashed qua the petitioner on the basis of compromise dated 19.10.2023 (Annexure P-2).

13. Needless to say that the parties shall remain bound by the terms and conditions of the compromise and statements as recorded before learned Additional Sessions Judge.

27.05.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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