

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-64946-2023 (O&M)  
Date of order: 15.02.2024

Rahul

.....Petitioner(s)

Vs.

State of Haryana & Others

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sunil Goswami, Advocate  
for the petitioner.

Mr. Aditya Pal Singla, AAG Haryana.

Mr. Kamaldeep Singh Redhu, Advocate  
for respondent No.3.

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Nidhi Gupta, J.

The prayer in this petition is for quashing of FIR No.87 dated 29.06.2021 (Annexure P-1) under Sections 323, 34, 354-B, 354-D, 406, 498-A and 506 IPC (Sections 34, 354-B and 354-D IPC deleted later on) registered at Police Station Women, Jind; along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 14.12.2023 (Annexure P5).

Vide order dated 22.12.2023, a Co-ordinate Bench of this Court had directed the parties to appear before Illaqa Magistrate for getting their statements recorded in terms of certain parameters given in the aforesaid order dated 22.12.2023 with regard to the compromise deed dated 14.12.2023 (Annexure P5).

In terms of the order dated 22.12.2023 passed by a Co-ordinate Bench of this Court parties have appeared before the Court of

learned Judicial Magistrate, 1<sup>st</sup> Class, Jind and as per her report dated 08.02.2024 submitted to this Court, both the parties have got recorded their respective statements in Court.

A perusal of the above said report would show that the petitioner and respondent No.3 have appeared and suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned counsel for the petitioner inter alia submits that present FIR emanates from a matrimonial dispute between the parties. The petitioner and respondent No.3 were married on 20.07.2018 and they are living separately since 11.03.2019. No child was born out of this wedlock. He further submits that 4 persons were named in the FIR i.e. the petitioner/husband, father-in-law, mother-in-law and sister-in-law of respondent No.3/wife, and challan was presented only against the present petition/husband. It is also submitted that compromise deed dated 14.12.2023 (Annexure P5) has been entered into between the petitioner/husband and respondent No.3/wife, wherein both the parties have decided to live separately and hence, a petition under Section 13-B of Hindu Marriage Act, 1955 has been filed by the parties, wherein first motion statements had been recorded on 06.12.2023; and recording of second motion statements is fixed for 01.03.2024. Also, the parties have agreed that the petitioner/husband shall pay Rs.8 lakh to respondent No.3/wife as permanent alimony, out of which Rs.4 lakh had been paid to the respondent No.3/wife, at the time of recording of first motion

statement i.e. on 06.12.2023. It is further submitted that the petitioner was not declared proclaimed offender in the present case.

Learned State Counsel and learned counsel for respondent No.3/complainant/wife do not dispute the above said submissions made by learned counsel for the petitioner.

Learned State Counsel submits that charges were framed against the petitioner on 11.01.2022. Out of 7 prosecution witnesses, none has been examined, and next date of hearing in the matter is 17.02.2024, for prosecution evidence. It is further submitted that petitioner has not been declared as Proclaimed Offender in the present case; and stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

Learned counsel for respondent No.3 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the Illaqa Magistrate, this Court finds that the matter has been amicably settled between the petitioner and the complainant. 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 hereinbelow:-

*“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 hereinabove, this petition is **allowed**; and FIR No.87 dated 29.06.2021 (Annexure **P-1**) under Sections 323, 34, 354-B, 354-D, 406, 498-A and 506 IPC (Sections 34, 354-B and 354-D IPC deleted later on) registered at Police Station Women, Jind; along with all subsequent proceedings arising therefrom, on the basis of compromise deed dated 14.12.2023 (Annexure P5), are ordered to be quashed qua the petitioner.

Petition stands disposed of.

Pending application(s) if any also stand(s) disposed of.

15.02.2024  
Sunena

(Nidhi Gupta)  
Judge

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |