

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-64886-2023
Date of order: 25.04.2024

IRSHAD ALIPetitioner

Versus

UNION TERRITORY OF CHANDIGARH
AND ANOTHERRespondents

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Shivam Sharma, Advocate for the petitioner.
Mr. Tarun Vir Singh Lehal, Addl. PP for UT, Chandigarh.
Mr. Ritvik Garg, Advocate and Mr. Prashul Dhull, Advocate for
respondent No.2.

Nidhi Gupta, J. (Oral)

Prayer in the present petition under Section 482 of the Code of Criminal Procedure is for quashing of FIR No.24 dated 21.11.2015 (Annexure P/1) under Section 498-A IPC registered at Women Police Station, Chandigarh and all consequential proceedings arising therefrom on the basis of compromise/memorandum of understanding dated 26.04.2023 (Annexure P-2) arrived at between the parties and the statement made before the learned trial Court (Annexure P/3)..

Vide order dated 15.01.2024, a Co-ordinate Bench of this Court had directed the parties to appear before the CJM/Illaq Magistrate/Trial Court on 12.03.2024 for getting their statements recorded in terms of certain parameters given in the aforesaid order with regard to the compromise/memorandum of understanding dated 26.04.2023 (Annexure P-2).

In terms of the order dated 15.01.2024 passed by this Court, parties have appeared before the Court of learned Judicial Magistrate Ist Class, Chandigarh to get their statements recorded. Learned Judicial Magistrate Ist Class, Chandigarh has submitted his report dated 02.04.2024 along with the statements of the parties, which was duly forwarded by the learned District & Sessions Judge, Chandigarh to this Court.

A perusal of the above said report would show that the parties (i.e. petitioner and respondent No.2) have appeared and suffered their statements with respect to the compromise, which have been found to be voluntary, genuine, and without any coercion or undue influence.

Learned counsel for the petitioner submits that as per the report, the compromise that has been effected between the parties is genuine, voluntary and without any pressure/coercion or undue influence. Learned counsel further states that as per the report, neither the petitioner is involved in any other criminal case nor is he declared as proclaimed offender in the present case.

Learned State counsel states that he has no objection in case the FIR is quashed on the basis of compromise/memorandum of understanding dated 26.04.2023 (Annexure P-2) qua the petitioner.

Learned counsel for respondent No.2 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 parties.

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

After perusing the report submitted by the learned Judicial Magistrate Ist Class, Chandigarh, 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 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, the present petition is **allowed** and FIR No.24 dated 21.11.2015 (Annexure P/1) under Section 498-A IPC registered at Women Police Station, Chandigarh along with all consequential proceedings arising therefrom on the basis of compromise/memorandum of understanding dated 26.04.2023 (Annexure P-2) and the statement made before the learned trial Court (Annexure P/3) are ordered to be quashed qua the petitioner.

25.04.2024
'Amit'

(Nidhi Gupta)
Judge

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>