IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

241 CRM-M-64927-2023

Date of Decision: 16.04.2024

Amit Nayyar

…. Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Amit K. Bhinchar, Advocate for
Mr. Rajat Dogra, Advocate for the petitioner.

Mr. S.S.Chahal, A.A.G., Punjab.

Ms. Meena, Advocate for
Mr. Amit Arora, Advocate for respondent No.2.

NIDHI GUPTA, J. (ORAL)

The petitioner who is the husband of respondent No. 2-complainant has filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 79 dated 07.09.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC, 1860 at Police Station Women, District Police Commissionerate Amritsar and all consequential proceedings arising therefrom, on the basis of settlement/compromise dated 29.11.2023 (Annexure P-2) effected between the parties.

Pursuant to the order dated 22.12.2023 passed by a co-ordinate Bench of this Court, the parties appeared before the learned Judicial Magistrate 1st Class, Amritsar, to get their statements recorded. Learned Judicial Magistrate 1st Class, Amritsar, has submitted her report

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along with statements of the parties vide letter dated 15.03.2024 duly forwarded by the learned District and Sessions Judge, Amritsar on 18.03.2024.

A perusal of the above said report would show that the petitioner and respondent No. 2 have appeared and suffered statements with respect to the compromise dated 29.11.2023 which was entered into between the parties at Mediation Centre, Amritsar, which have been found to be valid, genuine, voluntary and without any coercion or undue influence. It is further stated therein that the parties have filed a petition under Section 13-B of the Hindu Marriage Act wherein first motion statement has also been recorded on 13.12.2023 before the learned Additional Principal Judge, Family Court, Amritsar and the next date of recording second motion statement is 01.07.2024.

Learned counsel for the petitioner submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, the petitioner is the only accused and he has never been declared as proclaimed offender.

Learned State counsel as well as learned counsel for respondent No. 2 submit that they have 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioner.

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 1st Class, Amritsar, 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

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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. 79 dated 07.09.2023 (Annexure P-1) registered under Sections 406 and 498-A IPC, 1860 at Police Station

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Women, District Police Commissionerate Amritsar and all consequential proceedings arising therefrom, on the basis of settlement/compromise dated 29.11.2023 (Annexure P-2), are ordered to be quashed qua the petitioner.

16.04.2024 **(NIDHI GUPTA)**
Divyanshi **JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

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