

2025.PHHC.015932



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

Sr. No.266

**CRM-M-2105-2025 (O&M)
Date of decision : 03.02.2025**

Mohit Bhardwaj

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Ms. Palkin Bhardwaj, Advocate, for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. V.K. Gupta, Advocate, for respondent No.2.

KIRTI SINGH, J. (Oral)

1. The present petition has been filed under Section 528 of BNSS, 2023 for quashing of FIR No.16 dated 27.01.2023, under Sections 376(2)(n) and 506 IPC and Section 3(2)(V) of SC/ST Act, registered at Police Station Mataur, District SAS Nagar and all other consequential proceedings arising therefrom on the basis of the compromise between the parties.

2. Order dated 16.01.2025 passed by this Court, wherein, the parties were directed to record their statements before the trial Court concerned, is reproduced below:-

'Prayer in this petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for quashing of FIR No.16 dated 27.01.2023, under Sections 376(2)(N) and 506 IPC and Section 3(2)(V) of SC/ST Act, registered at Police Station Mataur, District SAS Nagar.

2. Learned counsel for the petitioner submits that petition and respondent No.2 were married and now they have obtained divorce by mutual consent under Section 13-B of Hindu Marriage Act on the basis of oral compromise. She has relied on divorce decree (Annexure P-4). She further submits that parties have settled all the disputes.

2025.PHHC:015932



3. *Notice of motion.*

4. *Upon advance notice, Mr. Davinder Bir Singh, Senior DAG, Punjab accepts notice on behalf of respondent No.1/State and Mr. Vimal Kumar Gupta, Advocate has put in appearance on behalf of respondent No.2 and files his power of attorney in Court, which is taken on record. He has admitted the factum of compromise and supports the prayer made in the petition.*

5. *In view of the above, the parties and the Investigating Officer are directed to appear before the Area Magistrate/Trial Court on 20.01.2025 or on any day thereafter as fixed by the Trial Court, for getting their statements recorded with regard to the compromise. The Area Magistrate/Trial Court shall submit a report on or before the next date of hearing specifying the following:-*

1. *The number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*

2. *The name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*

3. *The stage of trial/proceedings;*

4. *If the compromise is genuine, voluntary and out of free will of the parties.*

5. *Whether any other criminal case is pending against the accused.*

6. *Report of the Area Magistrate/Trial Court be awaited for 03.02.2025.'*

3. Heard learned counsel for the parties and also gone through the case file.

4. This Court while issuing notice of motion vide order dated 16.01.2025, directed the parties to appear before the trial Court/Illaq Magistrate for recording their statements with regard to the compromise.

2025.PHHC.015932

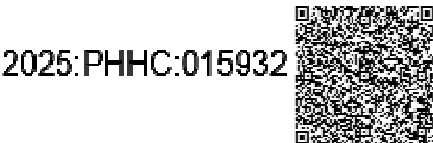


5. Pursuant to the aforesaid order, report dated 24.01.2025 has been received from the Addl. Chief Judicial Magistrate, SAS Nagar (Mohali). A perusal of the said report reveals that statements of the concerned persons have been recorded in the present case, who have stated that the matter has been settled between them and they have no objection in case the FIR in question is quashed. The compromise effected between them is genuine, without any undue influence and coercion.

6. The Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the view that the same was 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.

7. Hon'ble the Supreme Court in the case of ***Gian Singh vs. State of Punjab and another, 2012 (4) RCR (Criminal) 543***, had 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 reads thus:-

“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.

xxx xxx xxx. ”

8. In view of the afore-referred judgments, perusing the report of the trial Court regarding amicable settlement between the petitioner(s) and the complainant, this Court finds that quashing the FIR will accord a quietus to all disputes between the parties and it is in the interest of both sides to bury the hatchet and lead a peaceful life. Thus, no useful purpose would be served in continuing the proceedings and in order to secure the ends of justice, the criminal proceedings in the present case deserve to be quashed.
9. Resultantly, the present petition is allowed and FIR No.16 dated 27.01.2023, under Sections 376(2)(n) and 506 IPC and Section 3(2)(V) of SC/ST Act, registered at Police Station Mataur, District SAS Nagar and all other consequential proceedings are quashed qua the petitioner(s) on the basis of the compromise, **subject to payment of Rs.20,000/- to be deposited in the Poor Patient Welfare Fund, PGIMER, Chandigarh within a period of one month.**
10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

03.02.2025
Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No