

2025:PHHC:058224



229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8899-2025
Date of Decision: 03.05.2025

Rajinder Singh @ Kattu and another ...Petitioners

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Rahish Pahwa, Advocate
for the petitioners.

Ms. Simran Goria, AAG, Punjab.

None for respondent No.2.

RAJESH BHARDWAJ, J. (ORAL)

1. Instant petition has been filed praying for quashing of FIR No.120 dated 28.08.2019 under Sections 380/494/506 of IPC, 1860 registered at Police Station Sadar Batala, District Batala (Annexure P-1), along with all other consequential proceedings arising therefrom on the basis of compromise deed dated 22.02.2023 (Annexure P-2).

2. FIR in question was got registered by complainant-respondent No.2-husband against the wife-petitioner No.2 and the investigation commenced thereon. However, with the intervention of respectables, finally the parties arrived at settlement and they resolved their inter se dispute, which is apparent from Compromise, annexed as Annexure P-2. On the basis of the compromise, the petitioners are invoking the inherent power of this Court by praying that continuation of these proceedings would be a futile exercise and an abuse of process of the Court and thus, the FIR in question and all the

subsequent proceedings arising therefrom may be quashed in the interest of justice.

3. This Court vide order dated 25.04.2025 issued notice of motion and as per office report, notice to respondent No.2 has been duly served through father. However, none has put in appearance on his behalf and in the interest of justice, the case was adjourned for today i.e. 03.05.2025 with the direction to the concerned SHO to apprise respondent No.2 regarding the next date of hearing. The learned State counsel has produced a copy of notice dated 01.05.2025 duly served by ASI, Ramesh Kumar to respondent No.2 and the same was also duly signed by respondent No.2 but today also none has put in appearance on his behalf. Copy of notice served is taken on record.

4. It has been submitted by learned counsel for the petitioners that the dispute is between the husband-respondent No.2 and wife-petitioner No.2. She has submitted that FIR was registered by respondent No.2 with an ulterior motive, however the same was amicably resolved thereafter by way of compromise (Annexure P-2) at Mediation & Conciliation Centre, Amritsar. She has submitted that the compromise was arrived at between the parties on the basis of terms and conditions mentioned therein and the petitioners have duly complied with the same. She has submitted that thereafter respondent No.2 was to give the statement regarding quashing of the present FIR. However, she has submitted that after the petitioners have complied with the terms and conditions of the compromise, respondent No.2 had not appeared before this Court. She has submitted that respondent No.2 has intentionally backed out of the compromise after the petitioners have duly acted upon the same. She has relied upon the judgment passed by Hon'ble the Supreme Court in '**Mohd. Shamin vs. Smt. Nahid Begum**', 2005 AIR (Supreme Court) 757 and by this Court in '**Sandip Somany vs. State of Haryana and another**',

2016(2) Law Herald 1305 in support of his case.

5. Learned counsel for respondent No.2 has not appeared despite service through his father.

6. Heard.

7. Under these circumstances, the complainant cannot be allowed to back out of the compromise especially when the petitioners have already performed their part as agreed in the compromise. This Court finds that resiling from the compromise by the complainant is immaterial and the continuation of the present case would be an abuse of the process of the Court.

8. The Coordinate Bench of this Court in the case of ***Ram Lal and others Vs. State of Haryana and another, 2008(2) RCR (Criminal) 823***, has held that when the parties have entered into a compromise, and the complainant has backed out from the same, the FIR is liable to be quashed in such like situation. The relevant paragraph of the said judgment reads as under:

“4. Learned counsel for the petitioners by placing reliance upon the judgment of Hon'ble Supreme Court in the case of Mohd. Shamim Vs. Smt. Nahid Begum, 2005(1) RCR (Criminal) 697: 2005(1) Apex Criminal 299(SC) contends that in view of the compromise having been entered into between the parties and amount having been received by the complainant, the continuation of proceedings is nothing but misuse of the process of the Court. The Hon'ble Supreme Court has been pleased to observe as under:-

14. This Court in Ruchi Agarwal Vs. Amit Kumar Agrawal and others, 2004(4) RCR (Criminal) 949(SC):2004(8) Supreme 525, in almost a similar situation has quashed a criminal proceeding against the husband, stating:

...“Therefore, we are of the opinion that the appellant having received the relief she wanted without contest on the basis of terms of the compromise, we cannot now accept the argument of the learned counsel for the appellant. In our opinion, the conduct of the appellant indicates that the criminal complaint from which this

appeal arises was filed by the wife only to harass the respondents.

8. *In view of the above said subsequent events and the conduct of the appellant, it would be an abuse of the process of the Court if the criminal proceedings from which this appeal arises is allowed to continue.”*

9. In view of the abovesaid facts and circumstances of the case and the law settled in the abovesaid judicial precedent, the present petition is allowed. FIR No.120 dated 28.08.2019 under Sections 380/494/506 of IPC, 1860 registered at Police Station Sadar Batala, District Batala (Annexure P-1) along with all subsequent proceedings arising therefrom are hereby quashed qua the petitioners, namely, Rajinder Singh @ Kattu and Rupinder Kaur on the basis of compromise.

03.05.2025

Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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