

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

CRM-M-25834-2015 (O&M)

Decided on: 18.08.2018

Ankush Gupta and others

.... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. J.S. Gill, Advocate
for the petitioners.

Mr. Rakeshinder Singh Sidhu, AAG, Punjab.

Ms. Saurabh Kapoor, Advocate,
for respondent No.2.

H.S. MADAAN, J (ORAL)

CRM-27578-2018

This is an application for taking on record affidavits of Surinder Lal and Ms. Chand Gupta-petitioners No.2 and 3 respectively. Affidavit of Ankush Gupta-petitioner No.1 is stated to have already been filed. Complainant has also furnished affidavit on 20.07.2018 pleading no objection if the FIR against her husband and his other family members is quashed as prayed for vide this petition.

Application is allowed, subject to just exceptions. Affidavits are taken on record.

CRM-M-25834-2015

Petitioners – Ankush Gupta and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.36 dated 12.04.2013, for offences under Sections 406 and 498-A of IPC, registered at Police Station Women Cell, District Ludhiana, against them, alongwith

consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Seema Anand - arrayed as respondent No.2.

When the petition came up for hearing on 06.08.2015, notice of motion was ordered to be issued.

In terms of above cited affidavits of petitioners and the complainant, they have admitted to have entered into a voluntary compromise, with free will, without any pressure, coercion or undue influence. Further complainant has stated that she has no objection if the FIR in question is quashed by this Court. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Affidavit of complainant and the accused, in original, have been annexed.

I have heard learned counsel for the petitioners, learned State counsel, besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “*finest hour of justice*”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can effect the inherent power of High Court under Section 482 Cr.P.C.

It is a matrimonial dispute which has since been resolved amicably between them. Challan has been filed in this case and presently it is fixed for prosecution evidence.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the abovesaid FIR alongwith ancillary proceedings are hereby quashed.

(H.S. MADAAN)
JUDGE

18.08.2018

Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No