

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-4105-2021

Date of Decision: 14.12.2021.

AMIT ARORA AND ANR

... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Neeraj Madaan, Advocate,
for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Vaibhav Nagori, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.0004 dated 06.01.2020 under Sections 406 and 498-A IPC registered at Police Station City Jalalabad, District Fazilka and all the subsequent proceedings arising therefrom on the basis of compromise.

On 29.01.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 29.01.2021, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Jalalabad (West), has sent the report to the following effect:-

*“ It is humbly submitted that in terms of order dated
29.01.2021, passed by Hon'ble Punjab and Haryana High*

Court at Chandigarh in CRM-M-4105-2021, undersigned recorded the statement of two accused/petitioners namely Amit Arora and Usha Rani along-with the statement of respondent/complainant Mamta Rani regarding compromise. Apart from them, this court also recorded the statement of SI Amarjeet Kaur, who is Investigating Officer of the case. Accordingly, the report of undersigned is as under:-

(i) In the present case as per statement of Investigating Officer and as per FIR, there are two accused namely Amit Arora son of Rajinder Kumar and Usha Rani wife of Rajinder Kumar, both residents of Salem Tabri Road Neta Ji Nagar, Ludhiana.

(ii) In the present case as per the statement of Investigating Officer, statements of parties and report of Ahlmad, none of the accused has been declared as proclaimed offender by this Court.

(iii) The compromise effected between the parties is genuine, voluntarily and without any pressure.

The requisite report along with statements of the parties are annexed herewith for Your Goodself kind perusal and further necessary action.”

It has been stated that the matter has been amicably settled between the parties and a separate petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent has already been instituted.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise. The compromise is without any pressure and a genuine one. In such a situation, continuation of the

prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from *Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052*, upheld by Hon'ble Apex Court in *Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.0004 dated 06.01.2020 under Sections 406 and 498-A IPC registered at Police Station City Jalalabad, District Fazilka and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

14.12.2021
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No