

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33349-2020 (O&M)

Date of Decision:01.12.2021

HARSH GUPTA AND ANOTHER ... PETITIONERS
VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Monika Tanwar, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Ms. Vijay Lakshmi, Advocate for
Mr. Amit Khari, 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.21 dated 02.02.2020 under Sections 498-A, 354-A, 506 IPC (Section 406 IPC added later on), registered at Police Station City South, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise.

On 17.02.2021, the parties were directed to get their statements recorded before the learned Illaqa Magistrate.

In compliance of the order dated 17.02.2021, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Moga, has sent the report to the following effect:-

*“It is humbly submitted that in compliance of
order dated 17.02.2021 passed by Hon'ble High Court in*

CRM-M-33349-2020 (O&M) (whereby, parties have been directed to appear before the Illaqa Magistrate on 31.03.2021 for getting their statements recorded with regard to compromise and this court has been directed to send report after recording statements of parties), on 31.03.2021, **accused Harsh Gupta** son of Rajesh Gupta son of Kharaiti Lal, aged about 28 years, resident of Dashmesh Colony, Ward no.1, street no.1, Tehsil Nabha, District Patiala and **Kartik Gupta** son of Rajesh Gupta son of Kharaiti Lal, aged about 25 years, resident of Dashmesh Colony, Ward no.1, street no.1, Tehsil Nabha, District Patiala **as well as complainant Manisha Singla** wife of Harsh Gupta, daughter of Sham Sunder Singla son of Kundan Lal, aged about 28 years, resident of house no.73, street no.3, Gill Road, Moga appeared before this court and suffered their statements.

2. Above said accused persons namely Harsh Gupta and Kartik Gupta have suffered their statements to the effect that they have entered into the compromise with the complainant Manisha Singla of FIR No. 21 dated 02.02.2020 registered under Sections 498-A, 354-A, 406, 506 of IPC at P.S.City South, Moga with the intervention of respectable of the society. They have entered into the compromise to avoid further litigation and for the peace of mind. They are giving their statements without any pressure, undue influence and coercion and the compromise so entered between them and the complainant was with their free Will and consent, without any force and threat, pressure, undue influence and coercion etc from any quarter. The said compromise is genuine, voluntarily and without any coercion or undue influence entered into by them with the complainant. They have never been declared as proclaimed offender by any of the court in any criminal case. There is no other criminal case pending against

them except the above said FIR.

3. *Above said complainant Manisha Singla has suffered her statement to the effect that she has entered into the compromise with accused Harsh Gupta and Kartik Gupta of FIR No.21 dated 02.02.2020 registered under Sections 498-A, 354-A, 406, 506 of IPC at P.S.City South, Moga with the intervention of respectable of the society. She has no objection, if the abovesaid FIR is quashed. She has entered into the compromise to avoid further litigation and for the peace of mind. She does not want to pursue the present FIR against the accused. She is giving this statement without any pressure, undue influence, threat and coercion and the compromise so entered between her and accused was with her free Will and consent, without any force and threat, undue influence and coercion etc from any quarter. The said compromise is genuine, voluntarily and without any coercion or undue influence entered into by her with the accused. She has never been declared proclaimed offender by any of the court in any criminal case. There are total two accused in the above said FIR namely Harsh Gupta and Kartik Gupta. There is no criminal case pending against her.*

4. *From the statements of above said accused persons and complainant recorded in the court, it is forth coming that a compromise has been effected between above said complainant and accused. The compromise effected between the parties is genuine, voluntarily and without any coercion or undue influence. It is further submitted that as per statement of parties and as per record, there are total two accused in the above said FIR i.e. Harsh Gupta and Kartik Gupta. As per statement of parties, said accused have never been declared proclaimed offender by any of the court in any criminal case.”*

It has been stated that the marriage between the parties has been dissolved by a decree of divorce by mutual consent.

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.21 dated 02.02.2020 under Sections 498-A, 354-A, 506 IPC (Section 406 IPC added later on), registered at Police Station City South, District Moga and all the consequential 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.

01.12.2021
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(VIVEK PURI)
JUDGE

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