

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

CRM-M-34877-2020 (O&M)

Date of decision: 21.01.2021

Anil Arora and another

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present: Mr. Pardeep Sharma, Advocate for the petitioners.

Mr. J.S. Ghuman, DAG, Punjab.

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**H.S. MADAAN, J. (Oral)**

Case taken up through video conferencing.

Petitioners – Anil Arora and Mamta Arora have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 133 dated 09.07.2013, for offences under Sections 406 and 498-A IPC, registered at Police Station Morinda, District Roopnagar, against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and their daughter in-law complainant Sanya Arora @ Kavita Thukral, arrayed as respondent No.2. Respondent No.1 being State of Punjab.

The FIR in question was lodged by respondent No.2/complainant on the allegations that she was married with Amit Arora son of Anil Arora and Mamta Arora, however, after the marriage,

she was harassed and maltreated by her father in-law Anil Arora, mother in-law Mamta Arora, brother in-law Inderjit Arora and sister in-law Rinki Setia in connection with demand of more dowry and they had further committed criminal breach of trust with regard to her istridhan articles. Interestingly, the complainant has not levelled any such allegations against her husband. After registration of the FIR, the matter was investigated and on completion of the investigation, the challan against Anil Arora and Mamta Arora was filed in the Court. However, during the course of proceedings, they have entered into a compromise.

Vide order dated 19.11.2020, in light of the contention that parties have since effected compromise, they were directed to put in appearance before the trial Court/Illaqa Magistrate to get their statements recorded with regard to compromise and was directed to send a report to this Court.

Report has been received from Judicial Magistrate 1<sup>st</sup> Class, Rupnagar, in terms of which complainant Sanya Arora and accused, namely, Anil Arora and Mamta Arora had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any coercion from any quarter. Further, the 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. Along with the report statements of the complainant and all the accused, have been annexed.

I have heard learned counsel for the parties 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 Anr.** 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.

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 above said FIR along with ancillary proceedings are hereby quashed.

21.01.2021

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**(H.S. MADAAN)**  
**JUDGE**

Whether speaking/reasoned :  
Whether Reportable :

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| Yes | No |
| Yes | No |