

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45114-2021

Date of Decision: 17.12.2021.

ATUL RAINA AND ANR

... PETITIONERS

VS.

STATE OF U.T., CHANDIGARH AND ANR .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Salinder Kumar Saini, Advocate, for the petitioners.

Mr. Shashank Bhandari, APP
for respondent no.1-U.T.Chandigarh

Mr. Charanpreet Singh, 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.0037 dated 11.06.2021 under Sections 406 and 498-A IPC registered at Women Police Station, Chandigarh and all the consequential proceedings arising therefrom on the basis of compromise dated 31.08.2021 (Annexure P-2).

On 28.10.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 28.10.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Chandigarh, has sent the report to the following effect:-

“It is respectfully submitted that in compliance to directions given by the Hon'ble Punjab and Haryana High Court, vide its order dated 28.10.2021, passed in

CRM-M-45114 of 2021, the statements of parties with regard to compromise were recorded on 17.11.2021. Complainant Shradha Ganjoo Raina d/o Sh. Anoop Kumar Ganjoo, suffered statement to effect that on the basis of her statement FIR No.37 dated 11.06.2021 U/s 406, 498-A IPC, was registered at PS Women Police Station, Sector 17, Chandigarh against two accused persons i.e. Atul Raina s/o Sh. Deepak Raina, Deepak Raina s/o Sh. Moti Kishan Raina. Now the matter has compromised between them voluntarily out of free will and without any pressure from any corner. Original compromise deed/settlement deed has been attached through mediation centre on dated 31.08.2021, Copy of the same is Ex.C1. The same is true and correct. She is attaching copy of her Aadhar card as her identity proof which is Ex C2. As per compromise, she does not want to proceed further with the present FIR as the matter has been compromised and she has no objection if the said FIR be quashed by Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M-45114 of 2021 against the present accused persons. She identifies the accused persons present in the court. She does not want any action against above said accused persons. No PO proceedings are pending against any of the party. As per compromise, she has received a draft of Rs.75,000/- bearing No.019285 dated 27.08.2021 from HDFC bank, Jabalpur, Madhya Pradesh. Copy of the same is Annexure P-1. She shall remain bound by the terms and conditions of the compromise.

Similarly, statement of accused Deepak Raina s/o Sh. Moti Kishan Raina was recorded, who categorically deposed that he has heard the statement of complainant Shradha Ganjoo d/o Sh. Anoop Kumar Ganjoo. He has compromised matter with Shradha Ganjoo d/o Sh. Anoop Kumar Ganjoo i.e. complainant. Compromise has

been executed with the intervention of the respectables without any pressure. He agrees with the statement of Shradha Ganjoo d/o Sh. Anoop Kumar Ganjoo i.e. complainant. FIR No.37 dated 11.06.2021 U/s 406, 498-A IPC, registered at P.S Women Police Station Sector 17, Chandigarh may kindly be quashed against him in view of the compromise. Copy of compromise deed/settlement is already attached as Ex.C1 dated 31.08.2021. The same is true and correct. He has placed on record photocopy of his identity proof i.e Aadhar Card as Ex-C3. He identifies the complainant present in the court. No PO proceedings are pending against any of the party. He shall not pursue the complaint bearing registration No.585/2018 filed at Jabalpur, Madhya Pradesh against the complainant. He shall remain bound by the terms and conditions of the compromise.

Statement of accused Atul Raina s/o Sh. Deepak Raina was recorded, who categorically deposed that He has heard the statement of complainant Shradha Ganjoo d/o Sh. Anoop Kumar Ganjoo. He has compromised matter with Shradha Ganjoo d/o Sh. Anoop Kumar Ganjoo i.e complainant. Compromise has been executed with the intervention of the respectables without any pressure. He agrees with the statement of Shradha Ganjoo d/o Sh. Anoop Kumar Ganjoo i.e. complainant. FIR No.37 dated 11.06.2021 U/s 406, 498-A IPC, registered at P.S Women Police Station Sector 17, Chandigarh may kindly be quashed against him in view of the compromise. Copy of compromise deed/settlement deed has been attached through mediation centre on dated 31.08.2021, Copy of the same is Ex.C1. The same is true and correct. He is attaching copy of her Aadhar card as her identity proof which is Ex.C4. He identifies the complainant present in the court. No PO proceedings are pending against any of the party. He shall not

pursue the complaint bearing registration No.585/2018 filed at Jabalpur, Madhya Pradesh against the complainant. He shall remain bound by the terms and conditions of the compromise.

Thereafter, on 23.11.2021, statement of IO SI Satish Kumar, No.1520, WPS-17, Chandigarh was recorded who stated that he is IO of FIR No.37 dated 11.06.2021 under Sections 406, 498-A IPC, PS-Women Police Station, Sector 17, Chandigarh, two persons i.e. Atul Raina, Deepak Raina have been arrayed as accused in the present case. No PO proceedings are pending against any of the party.

After going through the statements given by complainant Shradha Ganjoo Raina, accused persons namely Deepak Raina, Atul Raina and Investigating Officer SI Satish Kumar, No.1520, in the Court, the following report is submitted as desired by your goodself vide order dated 28.10.2021:-

(1) On the basis of statement given by parties, this Court is of the considered view that compromise between complainant Shradha Ganjoo Raina and accused persons namely Atul Raina, Deepak Raina is genuine, it has been effected voluntarily without any pressure, coercion or undue influence from any quarter.

(2) No PO proceedings are pending against any of the party.

This report along with statements of parties and annexures is submitted as desired by your goodself vide order dated 28.10.2021 passed in CRM-M No.45114 of 2021.”

It has been stated that the matrimonial dispute has been amicably settled through mediation in this Court. The marriage between the parties has already been dissolved in pursuance of *ex parte* decree of divorce dated 10.01.2019 granted by learned Principal District Judge, Jabalpur, Madhya

Pradesh in the case titled as **Atul Raina vs. Shradha Ganjoo.** An application under Order 9 Rule 13 CPC for setting aside the *ex parte* decree of divorce has already been withdrawn.

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.0037 dated 11.06.2021 under Sections 406 and 498-A IPC registered at Women Police Station, Chandigarh 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.

17.12.2021
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(VIVEK PURI)
JUDGE

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