

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48376-2021
Date of Decision: 16.12.2021

Deepak Sehgal

... Petitioner

v/s

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankur Bansal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Maninderjit Singh, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 09 dated 09.02.2018, under sections 406, 498-A IPC registered at Police Station Women Cell, District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise.

On 18.11.2021, notice of motion was issued and parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them.

The Trial Court was directed to record the statements of all the concerned and sent his report regarding genuineness of the compromise.

In compliance of the order dated 18.11.2021, learned Judicial Magistrate 1st Class, Jalandhar has recorded the statements of the parties and submitted his report, which reads as under:

“Most respectfully, this is reference to the subject cited above complainant Deepika Handa daughter of Kedar Nath resident of H.No.84, Street No. 5, New Ashok Nagar, Jalandhar and Deepak Sehgal aged about 37 years son of Ramesh Chander Sehgal r/o H.No. 658, Ward No. 4 near BDO Office, Moga together came present in the Court of undersigned and moved an application on 30.11.2021 for recording statements of parties and in order to confirm genuineness of the compromise. They produced certified copy of the above said order passed by Honourable High Court passed in CRM-M-48376-2021 in case titled as 'Deepak Sehgal vs. State of Punjab and Anr.'. On joint request of the counsels for the parties, the time was fixed for recording the statements of the parties. On 30.11.2021 both complainant and accused parties appeared in the Court of undersigned in compliance of the above said order passed by Honourable High Court. The complainant has also suffered statement that she has compromised with accused party in the presence of respectable persons of both the parties. The matter has been compromised with the accused and petition under Section 13-B of HMA has already been filed in which first statement has been recorded and out of Rs.4,80,000/- the settled amount, an amount of Rs., 2,40,000/- has already been given to her and the remaining of Rs.2,40 lacs has been given to her by way of demand draft bearing No. 295571 dated 25.11.2021 drawn at PNB Moga. She has no objection if the present proceedings may kindly be quashed. She is making this statement genuinely without any undue influence or coercion as the compromise is genuine

and without any undue influence or coercion now she is left with no claim against the accused. The present FIR and proceedings may kindly be quashed. Similarly, the accused has suffered similar statement in this court.

The parties were present with their counsels and got recorded their statements in respect to the compromise taken place between them. Both the parties are duly identified by their counsels.

The complainant and accused have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been affected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.

The compliance report along with statements of parties recorded by the undersigned is submitted herewith for onward transmission to the Hon'ble Punjab & Haryana High Court, Chandigarh”

It has been contended that the matrimonial dispute has been amicably settled and 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 (Annexure P-2).

The compromise is without any pressure and is 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*.

Accordingly, the present petition is allowed and FIR No. 09 dated 09.02.2018, under sections 406, 498-A IPC registered at Police Station Women Cell, District Jalandhar and all the consequential proceedings arising therefrom are quashed qua the petitioner.

16.12.2021

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No