

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

CRM-M-50856 of 2019 (O&M)

DATE OF DECISION :- January 11, 2021

Sahil Jani and others

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAN

Present:- Mr. Aman Bansal, Advocate for the petitioners.

Mr. J.S. Ghumman, DAG, Punjab.

Ms. G.K. Mann, Advocate for respondent No. 2.

The case has been taken up through Video Conferencing.

Petitioners – Sahil Jani and others have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No. 57 dated 20.9.2017, for offences under Section 498-A, 406, 420 & 120-B IPC, registered at Police Station Women, District Amritsar, against them, along with consequential proceedings arising therefrom, on the basis of compromise dated 26.11.2019 (Annexure P-2), stated to have been effected between them and complainant Naini Arora wife of Sahil Jani, resident of 49-A, 02, Baba Deep Singh Avenue, Fatehgarh Churian Road, ASR Sadar, Amritsar Police Commissionerate Amritsar, Punjab- arrayed as respondent No.2.

The F.I.R in question was registered on the basis of a written

complaint submitted by complainant Ms. Naini Arora-respondent No. 2 addressed to Commissioner of Police, Amritsar in which she had contended that she was married with Sahil Jani son of Pradeep Jani, resident of Mumbai on 21.11.2015. This was second marriage of Sahil. Interalia in the complaint the complainant had contended that at the time of her marriage with Sahil Jani, her parents had spent considerable amount in lodging of members of the marriage party and entertaining them besides giving gifts to bridegroom and his parents and other relatives as well as dowry articles meant for use of the complainant. Subsequently, when the complainant went to reside with Sahil Jani it came out that the information supplied to the complainant side with regard to his antecedents, profession, habits and otherwise were not correct. The complainant was harassed, maltreated and her dowry articles were taken by her husband and parents in-law. There are detailed allegations of cruelty levelled in the incident against the accused. According to the complainant, she was fed up with her maltreatment at the hands of accused, as such she returned to her parental place and lodged the F.I.R.

After registration of the F.I.R. the investigation in the case started. Learned State counsel on instructions from ASI Paramjit Singh has stated that the petitioners have since joined the investigation and were granted pre-arrest bail. Before completion of investigation the parties have entered into a compromise and have approached the Court for quashing of F.I.R and all consequential proceedings on the basis of compromise.

When the petition came up for hearing on 2.12.2019, notice of motion was ordered to be issued. Respondent No. 1 - State of Punjab

through State counsel, whereas respondent No.2 through Ms. G.K. Mann, Advocate had put in appearance. Then in light of the contention that parties have since effected compromise, they were directed to put in appearance before Illaqa Magistrate/Duty Magistrate/trial Court to get their statements recorded with regard to compromise and the Illaqa Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate Ist Class, Amritsar, in terms of which complainant Naini Arora and accused, namely, Sahil Jani, Pardeep Jani and Bindiya Jani, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any fear and inducement. 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 statement 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 others** 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. As per request of learned counsel for the petitioners, the Passports of the petitioners surrendered by them before the investigating officer be returned to them against receipt.

(H.S. MADAAN)
JUDGE

January 11, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No