

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

CRM-M-2925-2021 (O&M)

Date of Decision: 12.12.2022

GOURAV CHHABRA & OTHERS

... PETITIONERS

V/S

STATE OF PUNJAB AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Chanakya Batta, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Arvind Galav, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 35 dated 22.01.2018, under Sections 498-A/323/506/34 IPC registered at Police Station City Jagraon, District Ludhiana Rural, and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 26.07.2022 the 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 send its report regarding genuineness of the compromise.

In compliance of the order dated 26.07.2022, learned Sub Divisional Judicial Magistrate, Jagraon has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as

under:-

“1. As per the statement of the parties as well as Inspector Satpal Singh, there are four arrayed accused namely Gourav Chhabra, Sohan Lal, Phoola Rani and Shikha Chhabra.

2. No accused is declared proclaimed offender in the present case.

3. The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

4. As per the statement of the parties as well as Inspector Satpal Singh, accused are not involved in any other case.

5. As per the statements of the parties as well as Inspector Satpal Singh, there is one complainant/victim namely Rajni Bala. ”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 29.03.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein the statements of the parties at the stage of first motion have been recorded. The petitioner No.1 shall pay a sum of Rs. 7,00,000/- to respondent No.2 on account of permanent alimony. A sum of Rs.4,00,000/- has already been paid and the balance amount of Rs.3,00,000/- shall be paid when the statements of the parties is recorded at the stage of 2nd motion. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

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.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute has been sought to be amicably settled. Consequently, a deserving case is made out where the Court should exercise the power to secure the ends of justice.

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. 35 dated 22.01.2018, under Sections 498-A/323/506/34 IPC registered at Police Station City Jagraon, District Ludhiana Rural, and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

12.12.2022

Janki

**(VIVEK PURI)
JUDGE**

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