

305 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2599-2022
Date of Decision: 24.05.2022

ARJUN MAHAJAN AND OTHERS ... PETITIONERS
V/S
U.T. CHANDIGARH AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rishu Mahajan, Advocate for the petitioners.

Mr. Sashank Bhandari, Addl. P.P. U.T. Chandigarh.

Ms. Juhi Goel, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 52 dated 20.08.2021, under Sections 406/498-A IPC, 1860, registered at Police Station Women Cell, Chandigarh on the basis of compromise (Annexure P-2).

On 03.02.2022 notice of motion was issued and 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 03.02.2022, learned Judicial Magistrate First Class, Chandigarh has recorded the statements of the parties and submitted report, the relevant portion whereof reads as under:-

“(1) FIR No. 52 dated 20.08.2021, u/s 406, 498 IPC, at PS-WPS-17, Chandigarh has been registered against five accused persons i.e. Arjun Mahajan, Subhash Mahajan, Sushma Mahajan, Palika Mahajan, Shweta Mahajan.

(2) None of the accused persons have been declared proclaimed offender.

(3) On the basis of statement given by parties, this Court is of the considered view that compromise between complainant Mehak Sehgal and accused persons namely Arjun Mahajan, Subhash Mahajan, Sushma Mahajan, Palika Mahajan, Shweta Mahajan is genuine, it has been effected voluntarily without any pressure, coercion or undue influence from any quarter.

(4) As per statement of Investigating Officer, none of the accused persons are involved in any other case.

(5) There is only one complainant/victim i.e. Mehak Sehgal d/o Sh. Anil K. Sehgal r/o House No. 3320, Sector 23-D, Chandigarh.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 02.09.2021 (Annexure P-2). The marriage of petitioner No.1 with respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 16.03.2022 passed by the Court of learned Addl. District Judge, Chandigarh. A sum of Rs. 13 Lakhs has been paid to respondent No.2 on account of permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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. 52 dated 20.08.2021, under Sections 406/498-A IPC, 1860, registered at Police Station Women Cell, Chandigarh and all the consequential proceedings arising therefrom are quashed qua the petitioners.

24.05.2022

Janki

(VIVEK PURI)
JUDGE

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