

273 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-3699-2022

Date of Decision: 11th May, 2022

Sugandhita Gupta

Petitioner

Versus

Union Territory, Chandigarh and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. S. S.Behl, Advocate for the petitioner.
Ms. Simsi Dhir Malhotra, APP, UT Chandigarh.
Mr. Paras Chugh, Advocate for the complainant.

AVNEESH JHINGAN, J (Oral):

This petition under Section 482 of Code of Criminal Procedure is filed seeking quashing of FIR No. 0084, dated 14.05.2021, under Sections 406, 417 and 120-B IPC, registered at Police Station South Sector-34, Chandigarh, on the basis of compromise dated 19.1.2022.

This FIR was registered at the instance of respondent No.2 and it was result of the matrimonial dispute.

With the intervention of respectables both the parties have decided to part their ways and move ahead with their respective lives.

On 9.2.2022, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise.

The report dated 25.4.2022 from Judicial Magistrate 1st Class, Chandigarh is received stating that the compromise is done voluntarily without there being any coercion or undue influence or pressure from any

corner. They have not been declared as proclaimed offenders. Further, that one accused Naresh Chander has died on 23.9.2021.

Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“There is no statutory bar in Cr.P.C. which affects inherent power of this Court under Section 482. The power of quashing is not limited to matrimonial cases alone.”

The Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, 2017 AIR (SC) 4843*** laid down the broad principles governing the exercises of powers of quashing of FIR. It was held that the power under Section 482 Cr.P.C. is to be exercised by the High Court to secure the ends of justice, to prevent abuse of any process of law and in cases where in view of the compromise the possibility of conviction is remote and continuation of proceeding will cause oppression and prejudice.

The FIR was the result of matrimonial dispute. The continuation of the trial will only add complications to the life of the parties. Couple has decided to part away and proceed ahead with their individual lives rather than indulging in litigation. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

11th May, 2022
anuradha

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No