

277 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-6500-2022
Date of Decision: 01.12.2022

PRATIK SUREKH GUPTA AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S. Ghumman, Advocate, for the petitioners.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Sukhdeep Singh, Advocate, for
Mr. G.S. Pannu, 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.93 dated 24.08.2021, under Sections 406/498-A IPC, registered at Women Police Station, District Police Commissionerate Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 02.08.2022 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 02.08.2022, learned Judicial Magistrate First Class, Jalandhar has recorded the statements of the parties

and submitted his report, the relevant portion whereof reads as under:-

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

Investigating Officer ASI Rajesh Kumar No.1657/Jal posted at Women Cell, Jalandhar also appeared in court and suffered statement that he was the investigating officer of this case. As per record, Trishla Chadha is the complainant/ victim of the present case. Except her, there is no other complainant / victim in the present case. The names of accused persons are 1.Pratik Surekh Gupta 2. Surekh Satish Gupta and 3. Sajna Surekh Gupta. Except them, there is no other person nominated by the police as accused. As per record, accused are neither involved in any other case nor declared proclaimed offender in any other criminal case.

As per record the name of the complainant of the present case is Trishla Chadha is the complainant/ victim of the present case. Except her, there is no other complainant/ victim in the present case. The names of accused persons are 1.Pratik Surekh Gupta 2. Surekh Satish Gupta and 3. Sajna Surekh Gupta. Except them, there is no other person nominated by the police as accused. As per record, accused are neither involved in any other case nor declared proclaimed offender in any other criminal case. At present, the case is pending for appearance of the accused.

Both parties 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 effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 09.02.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of deed of settlement dated 30.01.2022 (Annexure P-2). The marriage of petitioner No.1 and respondent

Section 13-B of Hindu Marriage Act in terms of judgment/decreed dated 17.03.2022 passed by the learned Principal Judge, Family Court, Jalandhar. A sum of Rs 75,00,000/- 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 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. 93

dated 24.08.2021, under Sections 406/498-A IPC, registered at Women Police Station, District Police Commissionerate Jalandhar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

01.12.2022

Janki

**(VIVEK PURI)
JUDGE**

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