

296 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7615-2022 (O&M)
Date of Decision: 29.09.2022

SUMIT ARORA AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vaibhav Sehgal, Advocate for the petitioners.

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

Mr. G.S.Randhawa, 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. 99 dated 27.09.2021 under Sections 406, 498-A, 354-A, 506 and 34 IPC registered at Police Station Women, Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 15.07.2022, 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 15.07.2022, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report as under:-

“ The undersigned has recorded the separate

statement of complainant namely Pooja Arora D/o Tarsem Lal Ghai who stated in her statement that she is the complainant of the present case and on her statement present case bearing FIR No.99 dated 27.09.2021 u/s 406, 498-A, 354-A, 506, 34 IPC PS Women Cell, Ludhiana was registered against accused namely Sumit Arora, Prince Arora and Smt. Saroj Arora and now with the intervention of respectables, she has entered into compromise with the accused without any pressure, coercion and undue influence. She has no objection, if the present FIR be quashed. She also placed on record copy of her Aadhar card as her identity proof. Thereafter, separate statement of accused namely Sumit Arora S/o Late Subhash Arora, Prince Arora S/o Late Subhas Arora and Smt. Saroj Arora W/o late Subhash Arora were recorded who stated in their statement that they are the accused in above said FIR and now with the intervention of respectables, they have entered into compromise with the complainant Pooja Arora without any pressure, coercion and undue influence and they have no objection if quashing petition is accepted. They have also placed on record adhaar card as their identity proof. Thereafter, undersigned recorded the statement of IO SI Raghuvir Singh No.71/HTR, PS Women, Ludhiana who in his statement stated the he is the IO of the present case and as per record present FIR has been registered against accused Sumit Arora, Prince Arora and Smt. Saroj Arora only. Also, Pooja Arora is the only victim/complainant in the present case. He further stated that above said accused have never been declared PO in the present case. Further no other FIR is pending or decided against the accused persons.

The undersigned has orally asked the accused and complainant about the compromise to which they submitted that the compromise is genuine, voluntary and without any coercion or undue influence. Hence, I am of the considered view that the compromise between the complainant and accused is valid, genuine, voluntary and without any coercion or undue influence. There are only three accused arrayed in the present case namely Sumit Arora, Prince Arora and Smt. Saroj Arora. They have never been declared PO and no other case is pending or decided against accused as per statement of I.O. Now matter has been compromised between the parties. ”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 20.05.2013 and a male 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 father of respondent No.2 had lodged an FIR bearing No.164 dated 02.06.2021 under Section 346 IPC at Police Station Division No.3, Ludhiana, wherein, cancellation report was submitted and the same has been accepted by the Court. The marriage of petitioner No.1 with respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 29.07.2022 passed by the learned Family Court, Ludhiana. A sum of Rs. 27 Lakhs has been paid to respondent No.2 on account of permanent alimony. The custody of the minor child shall remain with respondent No.2. 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. 99 dated 27.09.2021 under Sections 406, 498-A, 354-A, 506 and 34 IPC registered at Police Station Women, Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

29.09.2022

Janki

(VIVEK PURI)
JUDGE

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