

266 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10198-2021
Date of Decision: 11.07.2022

HIMANSHU ARORA AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sunny K. Singla, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Mahipal S. Yadav, 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. 51 dated 04.06.2015 under Sections 498-A/406 IPC registered at Police Station City-1, Malerkotla, District Sangrur and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 04.03.2021, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 04.03.2021, learned Judicial Magistrate 1st Class, Malerkotla has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“In view of statement of complainant Ritika
@ Ritika Kapoor and accused Himanshu Arora,

Sarwan Kumar and Sudha Rani, it is apparent that the matter has been compromised between the parties. In light of their statements compromise between the parties is result of free volition of the parties and without any inducement, threat or pressure. In view of the statement suffered by complainant and accused persons and as per the record, it is clear that there is only one complainant namely Ritika @ Ritika Kapoor and there are three accused namely Himanshu Arora, Sarwan Kumar and Sudha Rani (detailed above) in the present case and the sole complainant and all the accused have appeared before the court and suffered the statements and except them there is no other person involved in the present case. As per the statement of accused persons, they have never been declared proclaimed offender in the present case and there is no other previous criminal activity or proceeding or case pending against them except the present case ”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act by the Family Court, Sangrur. The custody of the minor child shall remain with respondent No.2. A sum of Rs.6,10,000/- has been paid as permanent alimony to respondent No.2 besides two FDRs in the sum of Rs.2,50,000/- each have been prepared in the name of minor child and the same have been handed over to 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. 51 dated 04.06.2015 under Sections 498-A/406 IPC registered at Police Station City-1, Malerkotla, District Sangrur and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

11.07.2022

Janki

(VIVEK PURI)
JUDGE

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