

**CRM No.42616 of 2021 in/and
CRM-M-10459 of 2020**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM No.42616 of 2021 in/and
CRM-M-10459 of 2020
Date of decision:18.02.2022**

Ajay Kumar

... Petitioner

Vs.

State of U.T.Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Amandeep Kaur, Advocate
for the petitioner.

Mr. J.S.Toor, Addl.P.P., U.T.Chandigarh
for respondent No.1.

Mr. Sandeep Gahlawat, Advocate
for the complainant-respondent No.2.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.42616 of 2021

Prayer in the application is for preponement of hearing of the
main case, which is fixed for 17.05.2022.

Notice of the application to non-applicant/respondents.

Mr.J.S.Toor, Additional Public Prosecutor, U.T.Chandigarh
accepts notice on behalf of non-applicant/respondent No.1 and Mr.Sandeep
Gahlawat, Advocate accepts notice on behalf of non-applicant/respondent
No.2.

Counsel for the non-applicant/respondents do not have any objection in case the prayer made in the application is acceded to.

Application is allowed.

Hearing of the main case is preponed to today and it is ordered to be taken on Board for hearing today itself.

CRM-M-10459 of 2020

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.96 dated 06.08.2019 registered for offence under Section 498-A of Indian Penal Code, 1860 at Police Station Women, Sector-17, Chandigarh (Annexure P-1) and all consequential proceedings arising therefrom, on basis of compromise deed dated 28.01.2020 (Annexure P-2) arrived at between the parties.

Counsel for the petitioner contends that marriage of the petitioner was solemnized with the complainant-respondent No.2 on 23.04.2000 and two daughters were born out of the wedlock. She submits that FIR (Annexure P-1) has been registered on a trivial issue due to some misunderstanding between the parties, which has been removed by virtue of compromise (Annexure P-2) and the parties are residing together under one roof. Still further, she submits that the parties have appeared before the Trial Court and their statements have been recorded in support of the compromise.

Counsel representing U.T.Chandigarh in all fairness submits that State does not have objection as the parties have reconciled their differences.

Counsel representing the complainant-respondent No.2 also does not have any objection in case the petition is accepted.

I have heard counsel for the parties.

Vide order dated 12.03.2020, while issuing notice to the respondents, this Court directed the parties to appear before the Trial Court/Illaq Magistrate to get their statements recorded regarding the compromise and a report was called for from the Court concerned regarding the genuineness of the compromise as also as to whether any PO proceedings are pending against any of the parties. Report in compliance of the order has been received and the relevant extract thereof, is as under:-

“(i) The compromise has been effected without any pressure, coercion or threat. Statement of the parties have been recorded before the undersigned.

(ii) As per statement of IO SI Satnarian neither the accused nor the complainant has been declared as proclaimed person nor any such proceedings are pending against any of them.”

Supreme Court in **Madan Mohan Abbot Versus State of Punjab (2008) 4 SCC 582** and in **Gian Singh Versus State of Punjab and another, 2012(4) RCR (Criminal) 543** has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure, 1973 to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically

private or personal in nature and the parties have resolved their entire dispute. In **Ramgopal and another Versus The State of Madhya Pradesh 2021 SCC Online 834**, Supreme Court has held that limited jurisdiction to compound an offence within the framework of Section 320 Cr.P.C. is not an embargo against invoking inherent powers by the High Court vested in it under Section 482 Cr.P.C.

Considering the fact that the parties have reconciled their differences and are cohabiting together and have two minor daughters out of the wedlock, this Court is of the view that no purpose would be served in continuing with the criminal proceedings, rather setting aside of the same would enable the parties to lead a peaceful and harmonious life.

Accordingly, the petition is allowed. FIR No.96 dated 06.08.2019 registered for offence under Section 498-A of Indian Penal Code, 1860 at Police Station Women, Sector 17, Chandigarh (Annexure P-1), along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

February 18, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>