

291 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23544-2022
Date of Decision: 17.10.2022

SUNIL AGGARWAL ALIAS SUNIL KUMAR ... PETITIONER
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amandeep Singh, Advocate for the petitioner.

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

Mr. Ankit Kharbanda, 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. 17 dated 30.03.2016 registered under Sections 406, 498-A and 323 of the Indian Penal Code at Police Station Women, District Amritsar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 09.08.2022, 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 09.08.2022, learned Judicial Magistrate Ist Class, Amritsar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“It is further submitted that while recording the statements of both the parties, it has been ensured that in the present FIR, the complainant Monica and accused person /petitioner namely Sunil Kumar have appeared before the court. Further, as per their statements, the compromise has been arrived at between the petitioner Sunil Kumar and respondent Monica. The compromise is genuine, voluntary and without any pressure, being outcome of their free will. Furthermore, as per the statement of IO SI Rajinder Pa Singh, there is only one accused in the present FIR namely Sunil Aggarwal @ Sunil Kumaril Singh. No person is declared as proclaimed offender in the present case and there is only one complainant/victim namely Monica Aggarwal in the present case. Further, as per the statement of accused person/petitioner appeared before the court, no other proceedings are pending against him.”

Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with respondent No.2 in the year 2008 but no 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 marriage of petitioner 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 25.08.2022 passed by the Court of learned Addl. Principal Judge, Family Court, Amritsar. A sum of Rs. 7 Lakhs 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. 17 dated 30.03.2016 registered under Sections 406, 498-A and 323 of the Indian Penal Code at Police Station Women, District Amritsar and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

17.10.2022

Janki

**(VIVEK PURI)
JUDGE**

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