

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-25420-2022

Date of Decision: 02.12.2022

NARESH KUMAR AGGARWAL AND ANR ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Yogesh Goel, Advocate
for the petitioners.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. G.B.S.Dhillon, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No. 158 dated 24.08.2019 under Sections 323/354/34 and 506 IPC registered at Police Station Dugri, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise.

On 18.08.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 18.08.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ludhiana has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. It is respectfully submitted that as per record, there are two accused namely Naresh kumar Aggarwal and Munish Aggarwal in the present FIR

2. As per record and as per statement of Investigating officer, no accused has been declared as proclaimed offender.

3. In view of statements given by the parties this Court is of the considered opinion that compromise effected between Bahar Gupta and accused namely

Naresh kumar Aggarwal and Munish Aggarwal is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter.

4. As per statement of Investigating officer, accused are not involved in any other case.

5. As per record and as per statement of Investigating officer, there is one complainant/victim namely Bahar Gupta.”

Learned counsel for the petitioners contend that petitioners No.1 and 2 are the brother-in-law and nephew of Atul Mohan Gupta, the husband of the complainant. There was matrimonial dispute between Atul Mohan Gupta and the complainant and the same has been amicably settled in terms of compromise contained at Annexure P-2. In the said compromise, the complainant had also agreed to withdraw/settle the present case. The couple is now happily residing together. The allegations in the FIR are to the effect that the petitioners had inflicted injuries and outraged the modesty of the complainant. The petitioners are close relatives of the husband of the complainant. Moreover, in another case bearing FIR No.231 dated 18.12.2019 under Sections 323/324/452/506 IPC, Police Station, Model Town, Police Commissioner, District Ludhiana, which has been registered against the husband of the complainant, an amicable settlement has been effected and a petition for quashing the FIR on the basis of compromise has been instituted. Even in the said proceedings, the parties have been directed to get the statements recorded before the learned trial Court/Illaqa Magistrate.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. The compromise is without any pressure and 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 family 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*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 158 dated 24.08.2019 under Sections 323/354/34 and 506 IPC registered at Police Station Dugri, District Police Commissionerate Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed qua petitioners.

02.12.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No