

**286 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-28896-2022
Date of Decision: 08.08.2022**

**ABHISHEK BHARDWAJ AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S.Dadwal, Advocate for the petitioners.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. Shivam Malhotra, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 141 dated 01.11.2016 under Sections 406/498-A IPC registered at Police Station Women, District Jalandhar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 11.07.2022, 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 11.07.2022, learned Judicial Magistrate Ist Class, Jalandhar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ASI Mangat Singh No.1588/Jal posted at PS Women Cell, Jalandhar sufferent statement that as per record the name of the complainant of the present case is Nidhi and except her there is no other complainant in this FIR. The name of the

accused persons are Abhishek Bhardwaj, Som Nath Bhardwaj and Shivani Bhardwaj. Except them, there are no other persons nominated by the police as accused. As per record, accused persons are neither involved in any other case in Jalandhar nor declared proclaimed offenders in any other criminal case in Jalandhar.

The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the parties are duly identified by their counsels.

As per record the name of the complainant of the present case is Nidhi and except her there is no other complainant in this FIR. The name of the accused persons are Abhishek Bhardwaj, Som Nath Bhardwaj and Shivani Bhardwaj. Except them, there are no other persons nominated by the police as accused. As per record, accused persons are neither involved in any other case in Jalandhar nor declared proclaimed offenders in any other criminal case in Jalandhar. At present, the case is pending for evidence of the prosecution.

It is further pertinent to mention here that the complainant had also got registered one FIR against the present accused bearing No. FIR No. 152 of 2016, P.S. Division No.4, Ludhiana. As per their statements, they have already compromised in this FIR and filed quashing petition before the Hon'ble High Court on the basis of compromise. Statements of the parties has also been recorded in FIR No.152 of 2016.

Both parties have compromised the matter. There is no grudge remain between parties. The Compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled in terms of the Settlement/Agreement, Annexure P-2 effected in the Mediation and Conciliation Center of this Court. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by

mutual consent wherein the statements of the parties at the stage of first

motion have been recorded. The minor daughter born from the wedlock shall remain in the custody of respondent No.2. Respondent No.2 has also withdrawn the petition under Section 125 Cr.P.C. and she will further withdraw the complaint under Protection of Women from Domestic Violence Act. Petitioner No.1 shall also withdraw the petition under Section 9 of the Hindu Marriage Act. Another FIR bearing No. 152 of 2016 under Sections 323, 341, 506, 511 read with Section 34 IPC has been registered at the instance of respondent No.2 against petitioner Nos.1, 2 and their relative Mary Bhardwaj. Even in the said case, compromise has been effected, a petition for quashing the FIR has been instituted and the statements of the parties have also been recorded. Furthermore, in the instant case the allegations were also levelled against Mary but she was declared innocent.

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. 141 dated 01.11.2016 under Sections 406/498-A IPC registered at Police Station Women, District Jalandhar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

08.08.2022

Janki

(VIVEK PURI)
JUDGE

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