

261 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-45126-2021

Decided on: 28th March, 2022

Atul Arora and another

Petitioners

Versus

State of Punjab and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Kapil Khanna, Advocate for the petitioners.
Mr. Sandeep Kumar, DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition was filed for quashing of FIR No. 123, dated 16th July, 2015, under Section 380 of Indian Penal Code, 1860, registered at Police Station Sadar Amritsar, District Amritsar and all subsequent proceedings arising therefrom on the basis of compromise dated 8th October, 2021.
2. Brief facts are that the petitioners solemnized marriage against the wishes of their parents. The complainant is father of petitioner No.2. He alleged that his daughter petitioner No.2 took away eight *tolas* gold, twenty thousand cash and her activa.
3. The parties with the intervention of respectables have compromised the matter.
4. On 10.11.2021, the parties were directed to appear before the Illaqa Magistrate/trial court for getting their statements recorded with regard to compromise dated 08.10.2021

5. The report dated 25.11.2021 is received, the relevant part is as below:

“ It is found that the matter has been settled by way of compromise which has been made by the parties with their free will and without any pressure or coercion etc.”

6. Full Bench of this Court in ***Kulwinder Singh and others vs. State of Punjab, 2007 (3) RCR (Criminal) 1052***, has held:-

“There is no statutory bar in Cr.P.C. which affects inherent power of this Court under Section 482. The power of quashing is not limited to matrimonial cases alone.”

7. The Supreme Court in ***Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur and others v. State of Gujarat and another, 2017 AIR (SC) 4843*** laid down the broad principles governing the exercises of powers for quashing of FIR. It was held that the power under Section 482 Cr.P.C. is to be exercised by the High Court to secure the ends of justice, to prevent abuse of any process of law and in cases where in view of the compromise the possibility of conviction is remote and continuation of proceeding will cause oppression and prejudice.

8. Parties are relatives, the differences were due to solemnization of marriage against the wishes of parents. They have bridged their differences, tried to save their relation to an extent possible and decided to forgive and forget. Continuation of trial will only hamper the steps taken by the parties to resolve the issues. To meet the ends of justice, the FIR mentioned above and all consequential proceedings arising therefrom are quashed.

9. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

28th March, 2022
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes /No
2. Whether reportable

:

Yes /No