

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(231)

CRM-M-46568-2021 (O&M)
Date of Decision:- 09.02.2022

Ankur Badhan

...Petitioner

VERSUS

State of U.T., Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Narinder Pal Sharma, Advocate for the petitioner.

Mr. Rajeev Anand, A.P.P., U.T., Chandigarh for respondent No.1.

Mr. Abhinav Goel, Advocate for respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM-44307-2021

Counsel representing complainant-respondent No.2 submits that both the petitions bearing CRM-M-13774-2021 and CRM-M-10925-2021 mentioned in the order dated 06.01.2022 passed by this Court have been withdrawn by the complainant.

Application is allowed as prayed for.

Orders, Annexures P-5 and P-6, are taken on record.

CRM-M-46568-2021

The instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.32 dated 14.03.2020 registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Women Police Station, Chandigarh, Annexure P-2, along with all subsequent proceedings arising therefrom, on the basis of compromise dated 28.10.2021, Annexure P-3, arrived at between the parties.

Counsel for the petitioner submits that marriage of the petitioner was solemnized with complainant-respondent No.2 on 12.12.2018 and there is no issue out of the wedlock, however, due to incompatibility, the parties could not get along and they separated on 02.09.2019. He submits that FIR, Annexure P-2, was registered at the instance of the complainant-respondent No.2, but all the differences between the parties have been settled by virtue of compromise, Annexure P-3. Still further, he submits that in terms of the settlement, the marriage between the parties has been dissolved by virtue of judgment dated 26.11.2021, Annexure P-6, and amount of Rs.9 lacs has been paid to the complainant-respondent No.2 by way of permanent alimony.

Upon instructions received from, ASI, Balveer, State counsel submits that the matter is at the stage of investigation and the challan has not been presented.

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

Heard counsel for the parties.

Vide order dated 03.11.2021, this Court directed the parties to appear before the Illaqa Magistrate/Trial Court and get their statements recorded with regard to the genuineness of the compromise and a report was called for. Report has been received and its relevant extract reads as under:-

“After going through the statements given by complainant Nisha Kumari, accused Ankur Badhan and Investigating Officer ASI Balbir Singh, No.1756/CHG in the Court, the following report is submitted as desired by your goodself vide order dated 03.11.2021.

(1) On the basis of statement given by parties, this Court is of the considered view that compromise between complainant Nisha Kumari and accused Ankur Badhan is genuine, it has been effected voluntarily without any pressure, coercion or undue influence from any quarter.”

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.

Keeping in view the fact that the FIR is an outcome of marital discord, which has been settled, and the parties have decided to bury the hatchet, 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 life.

Accordingly, the petition is allowed. FIR No. 32 dated 14.03.2020 registered for offences under Sections 406 and 498-A of the Indian Penal Code, 1860, at Women Police Station, Chandigarh, Annexure P-2, along with all subsequent proceedings arising therefrom, are quashed qua the petitioner.

(SUVIR SEHGAL)
JUDGE

09.02.2022
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No