

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46759-2021

Date of Decision: 07.01.2022.

ANKUSH NAYYAR AND OTHERS ... PETITIONERS
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Atul Goyal, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Parneet Singh, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.34 dated 18.08.2020 under Sections 406, 498-A and 328 IPC registered at Police Station Women, District Police Commissionerate Ludhiana and all the consequential proceedings arising therefrom on the basis of compromise.

On 08.11.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 08.11.2021, the statements of the parties have been recorded and the learned Additional District & Sessions Judge, Ludhiana (Duty) has sent the report to the following effect:-

“I have the honour to submit that the Hon'ble High Court vide order dated 8.11.2021 passed in CRM-M-46759-2021, has been pleased to direct the Trial Court

to record the statements of the parties and submit the report to the Hon'ble High Court.

It is further submitted before your Goodself that the statement of complainant Palak as well as joint statement of accused Ankush Nayyar, Nirdosh Kumar Nayyar and Babita as well as statement of Investigating Officer ASI Joginder Singh, have been recorded today itself i.e. 3.12.2021 regarding compromise.

It is further submitted before your goodself that there are three accused persons named above in this case. No accused has been declared proclaimed offender in this case. There is only one victim/complainant in this case.

In view of the statements of accused as well as complainant, I believe that the parties have got their statements qua compromise recorded out of free will and volition and without pressure of from any corner. As stated by the Investigating Officer, accused persons are not involved in any other case”.

It has been stated that the matrimonial dispute has been amicably settled and a separate petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent has already been instituted wherein statements of the parties at the stage of first motion have already been recorded.

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.

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.34 dated 18.08.2020 under Sections 406, 498-A and 328 IPC registered at Police Station Women, District Police Commissionerate Ludhiana and all the consequential 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.

07.01.2022
smriti

(VIVEK PURI)
JUDGE

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