

227 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47117-2021
Date of Decision: 15.02.2022

Amit Arora

... Petitioner

v/s

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashdeep Singh, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Prem Chand Chaudhary, Advocate for respondent No.2.

(The case has been taken up through video conferencing on account of Covid-19 pandemic)

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VIVEK PURI, J. (ORAL)

Reply by way of affidavit of Raj Kumar, Assistant Commissioner of Police, Panchkula has been filed on behalf of respondent No. 1, the same is taken on record.

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 90 dated 11.05.2015, registered under Sections 406, 498-A, 506 and 120-B of the IPC at Police Station Sector-14, District Panchkula and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 09.12.2021, notice of motion was issued and 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 09.12.2021, learned Judicial Magistrate 1st Class, Panchkula has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“In light of the on oath statements of the parties and personal hearing given to them by the court as well as the statement of the Investigating officer, the undersigned is of the opinion that

- (i) Only Amit Arora arrayed as accused in the FIR.
- (ii) The accused Amit Arora has not been declared proclaimed offender, as per the statement of Investigating Officer.
- (iii) The compromise is genuine, voluntarily with free consent and without any coercion and undue influence.
- (iv) The accused Amit Arora is not involved in any other FIR.
- (v) All the victims/ complainant as well as accused are party to the compromise in question.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties. A sum of Rs. 20 Lakhs has already been paid to respondent No.2 and the marriage between the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act.

Learned counsel for respondent No.2 has acknowledged the aforesaid factual aspect and has stated that respondent No.2 has no objection if the aforementioned FIR is quashed.

Furthermore, in the order dated December 09, 2021, it was also observed that the question of cost to be imposed shall be considered at the time of final hearing of the petition, in case the FIR is to be quashed.

Learned counsel for the petitioner contends that reasonable amount may be imposed on that score.

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.

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. 90 dated 11.05.2015, registered under Sections 406, 498-A, 506 and 120-B of the IPC at Police Station Sector-14, District Panchkula and all the consequential proceedings arising therefrom are quashed qua the petitioner.

This order is subject to the condition that petitioner shall deposit a sum of Rs. 20,000/- as cost to be deposited with the District Legal Services Authority, Panchkula.

15.02.2022

Janki

(VIVEK PURI)
JUDGE

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