

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-52363-2021 (O&M)

Date of Decision: 28.07.2022.

AMIT AGGARWAL@ AMIT KUMAR/AMIT KUMAR AGGARWAL  
... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Kanwar Inder Singh, Advocate, for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Ms. Jasleen Kaur, Advocate, for respondent No.2.

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VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No.0045 dated 14.04.2021 under Sections 406 and 498-A IPC registered at Women Police Station, District Police Commissionerate Jalandhar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 22.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Trial Court.

In compliance of the order dated 22.03.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1<sup>st</sup> Class, Jalandhar, has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“ASI Palwinder Singh also suffered statement that as per record the name of the complainant of the present case is Vinny and except her there is no other complainant in this*

*FIR. The name of the accused is Amit Kumar @ Amit Aggarwal as per FIR. Except him, there is no other persons nominated by the police as accused. As per record, accused person is neither involved in any other case nor declared proclaimed offenders in any other criminal case.*

*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 Vinny and except her there is no other complainant in this FIR. The name of the accused is Amit Kumar @ Amit Aggarwal as per FIR. Except him, there is no other person nominated by the police as accused. As per record, accused person is neither involved in any other case nor declared proclaimed offenders in any other criminal case. Both the parties appeared in the court and suffered statement regarding compromise. At present, the case is pending for service of accused.*

*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 petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of the compromise contained at Annexure P-2. The marriage of petitioner and respondent No.2 has been dissolved by a decree of divorce in terms of

judgment and decree dated 08.03.2022 passed by the learned Family Court, Jalandhar. A sum of Rs.5 lakh has been paid to respondent No.2 on account of permanent alimony and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she has no objection if the 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. 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.

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***.

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.0045 dated 14.04.2021 under Sections 406 and 498-A IPC registered at Women Police Station, District Police

Commissionerate Jalandhar and and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

28.07.2022  
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(VIVEK PURI)  
JUDGE

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