

253 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-51867-2021
Date of Decision: 30.03.2022

SATYA ARYA AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gobind Rai Sharma, Advocate for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

Mr. Pardhuman Garg, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 130 dated 01.09.2020 under Sections 498-A, 406 IPC registered at Police Station Baghapurana, District Moga and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 14.12.2021 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 14.12.2021, learned Judicial Magistrate First Class, Baghapurana has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“On the basis of the above mentioned statements, it is, respectfully submitted that:-
(1) In the present case, as per the statement

recorded by the Investigating Officer and as per report under Section 173 Cr.P.C., there are four accused namely (1) Satya Arya son of Narinder Arora, (2) Shruti Arya wife of Neeraj Anand, (3) Narinder Arora son of Kasturi Lal, (4) Neelam Arora wife of Narinder Arora. The Investigating officer has also stated that the complainant Rakesh Kumar is now deceased. Presently, there is one victim/complainant Esha Garg daughter of Rakesh Kumar. All of above persons have appeared before the court and suffered their separate statements regarding compromise.

(2) As per statement of Retired ASI Sukhdev Singh son of Sh. Jagtar Singh R/o Raghuvir Colony, Faridkot, I.O of this case, none of the accused is involved in any other FIR. Further, none of accused has been declared as proclaimed offender.

(3) As per the statements of parties recorded in the Court, it is quite evident that the compromise is genuine and has been arrived at voluntarily, without any threat, coercion or undue influence. The compromise is in the form of writing and is acceptable to both the parties.

In view of the statements of both the parties recorded separately and the report of Investigating Officer, the compromise appears to be genuine and ex-facie entered into by the parties without any inducement or threat. The original statements recorded by the parties, statement of Investigating Officer, a copy of the compromise/MOU entered into by the parties, along-with the report of this court is being sent herewith for your kind perusal.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties. The FIR was registered on the basis of the statement of the father of respondent No.2. Unfortunately, father of respondent No.2 has expired. However, statement of respondent No.2 who is the wife of petitioner No.1 and the petitioners have been recorded. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein statements at the stage of first motion have been recorded. The petitioner No.1 shall pay of sum

of Rs. 50 Lakhs on account of permanent alimony to respondent No.2 in terms of the Memorandum of Understanding, Annexure P-2. Respondent No.2 has withdrawn the complaint instituted by her under Protection of Women from Domestic Violence Act.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 (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.

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***.

Accordingly, the present petition is allowed and FIR No. 130

CRM-M-51867-2021

- 4 -

dated 01.09.2020 under Sections 498-A, 406 IPC registered at Police Station Baghapurana, District Moga and all the consequential proceedings arising therefrom are quashed qua the petitioners.

30.03.2022

Janki

**(VIVEK PURI)
JUDGE**

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