

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6360-2021 (O&M)
Date of Decision: 12.07.2023

NIKHIL GUPTA

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rishabh Gupta, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Anurag Chopra, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.23 dated 19.07.2019 under Sections 498-A and 406 of the Indian Penal Code, registered at Women Police Station, District SAS Nagar.

2. Initially, the quashing of FIR was sought on merits but during the pendency of the petition, the matrimonial dispute was amicably settled between the parties.

3. In terms of the order dated 03.05.2023, the parties were directed to get their statements recorded in terms of the compromise entered between them.

4. In compliance of the aforesaid order dated 03.05.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, SAS Nagar/Mohali has sent the report and the relevant portion whereof is reproduced here-in-below:-

“The point wise reply of the information as

desired by the Hon'ble High Court is as follows:-

Regarding point (1) it is submitted that there is only one accused namely Nikhil Gupta who is arrayed as accused in the present FIR.

Regarding point (2) it is submitted that there is no other complaint or any other affected/aggrieved party in this case.

Regarding point (3), it is submitted that the accused is not involved in any other criminal case.

Regarding point (4), it is submitted that the accused has not been declared proclaimed offender at any stage of this case.

It is also submitted that there is only one complainant namely Priya in the present FIR. It is further submitted that the statement of Investigating Officer SI Harbans Singh No.86/SAS Nagar with regard to Point (1), (2), (3) and (4) has been recorded.

It is further submitted that as per the statements of the complainant and accused, the compromise appears to be genuine, voluntarily and without any coercion or undue influence.”

5. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 13.11.2017 but no child has been born from the wedlock. Initially, the allegations were levelled against the petitioner and his other family members. However, the other family members were found to be innocent. The FIR was registered and subsequently, the challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of the compromise dated 03.04.2023, Annexure P-8. The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court, SAS Nagar (Camp at Dera Bassi) wherein, the statements of

the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs.35 lac to respondent No.2 on account of permanent alimony. A sum of Rs.24.5 lac had already been paid and the balance amount of Rs.10.05 lac shall be paid to respondent No.2 on or before recording of the statement at the stage of second motion. Respondent No.2 has withdrawn the proceedings initiated by her as per the provision of Protection of Women from Domestic Violence Act and no other case is pending between the parties. Respondent No.2 has received all her articles of *istridhan* and nothing else is due payable to her except the amount of Rs.10.05 lac.

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

7. 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.

8. 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.

9. 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*.

10. 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.23 dated 19.07.2019 under Sections 498-A and 406 IPC, registered at Women Police Station, District SAS Nagar is ordered to be quashed, however, qua the petitioner only.

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

12.07.2023
smriti

(VIVEK PURI)
JUDGE

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