

**291 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-16593-2023
Date of decision: 22.11.2023**

CHAHAT THAKUR AND ORS.

..PETITIONERS

VERSUS

STATE OF PUNJAB AND ORS.

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Akshit Dhiman, Advocate for
Mr. Sharwan Sehgal, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Ms. Mehak Sharma, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

1. 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.03 dated 06.01.2022 under Sections 406/498-A IPC, registered at Women Police Station, Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 10.04.2023, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 10.04.2023, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

*“Investigating Officer SI Sukhdev Singh No. 2655/
Ludhiana PS women Cell, Ludhiana (through Video*

Conferencing) suffered statement that he is Investigating officer of the above said case. There are three accused in this case. Among these accused no one is proclaimed offender in this case but accused Chahat Thakur is yet to be arrested. No case is pending except present case against accused in their police station. 5. In view of the above said facts and circumstances as well as considering the statements made by parties, the compromise between the parties seems to be genuine, voluntary and without any coercion or undue influence.”

5. Learned counsel for the petitioners contend that the allegations were levelled against the petitioners and sister of petitioner No.1 but the FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.3 on 25.07.2019 but no child has been born from the wedlock. Respondent No.3 was a divorcee at the time of her marriage with petitioner No.1. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 and respondent No.3 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 16.08.2023 passed by the learned Family Court, Ludhiana. The entire claim of respondent No.3 for permanent alimony and *Istri Dhan* has been settled. No other case is pending between the parties.

6. Learned counsel for respondent No.2 states that she has no objection if FIR is quashed.

7. After hearing the 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*, approved 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.03 dated 06.01.2022 under Sections 406/498-A IPC, registered at Women Police Station, Ludhiana and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

22.11.2023

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(VIVEK PURI)
JUDGE

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