

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

CRM-M-19164-2023

Date of decision: 12.10.2023

ANGAD TREHAN AND ORS.

...PETITIONERS

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sachin Jain, Advocate for the petitioners.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. J.P.Singh, Advocate for

Mr. Ajay Bhardwaj, 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.0163 dated 19.06.2022 under Sections 406/498-A IPC, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 18.05.2023, parties were directed to appear before the Illaqa Magistrate/Duty 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 18.05.2023, learned Sub Divisional Judicial Magistrate, Amloh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“ASI Jagpal Singh, Investigating Officer, got recorded the statement that there were only three accused persons in this case namely Angad Trehan, Rajesh Trehan and

CRM-M-19164-2023

-2-

Aseema Trehan alias Aseema Mrignainy Trehan. Except the abovesaid accused persons, there is no other accused in the FIR. He further stated that the parties are not involved or declared proclaimed offender in any other criminal case.

It is further submitted that from the statements of the parties the compromise effected between them appear to be genuine, is not result of any fraud or misrepresentation and is the result of free will of the parties.”

5. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 09.12.2012 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of settlement/compromise dated 13.12.2022 (Annexure P-2) in the Mediation and Conciliation Centre of this Court. The marriage of petitioner No.1 and respondent No.2 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 09.08.2023 passed by the learned Family Court, Fatehgarh Sahib (Camp at Amlah). Petitioner No.1 shall pay a sum of Rs.14,00,000/- on account of permanent alimony to respondent No.2. A sum of Rs.13,50,000/- has already been paid and the balance amount of Rs.50,000/- is to be released in pursuance of the order of this Court. Respondent No.2 has received all her articles of *Istri Dhan* and nothing is due payable to her by the petitioners. No other case is pending between the parties.

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

7. As the matrimonial dispute has been sought to be settled, the balance amount of Rs.50,000/- is directed to be paid to respondent No.2. The said amount has been accepted by respondent No.2 who is present in the Court in person.

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.

9. 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.

10. 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.

11. 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. dated under Sections 0163 dated 19.06.2022 under Sections 406/498-A IPC, registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

12.10.2023

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(VIVEK PURI)
JUDGE

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