

260 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-26178-2022
Date of Decision: 08.08.2023

GAGAN ARORA

...Petitioner

V/S

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Digvijay Singh, Advocate
for Mr. Gurpreet Singh, Advocate
for respondent No. 2.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 005, dated 16.01.2020 registered under Sections 406 and 498-A of Indian Penal Code at Women Police Station District Police Commissionerate Ludhiana and all consequential proceedings arising therefrom, on the basis of compromise.

2. Vide order dated 08.07.2022, passed by this Court, 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.

3. In compliance of the aforesaid order, report has been received

from the court of Ld. Judicial Magistrate Ist Class, Ludhiana and relevant portion of the same is reproduced below:

“Accordingly, the statement of accused/petitioner namely Gagan Arora age 33 years son of Sh. Amrik Singh R/O House No.5757/B-23, Street No.8, Ward No.40, New Shiva Ji Nagar, District Ludhiana and complainant/respondent No.2 Ramandeep Kaur wife of Gagan Arora daughter of Sharanjit Chawla R/O House No.75, Model Gram, Near Baraf Wala Karkhana, District Ludhiana, have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their respective Ld. Counsel and they also produced the copy of their Aadhar Cards as proof of their identity.

It is respectfully submitted that as per the statement of Investigating Officer and report of the concerned Ahlmad, the accused Gagan Arora is party to the compromise. The accused is not declared as proclaimed offender in this FIR nor any other criminal case is pending

So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free Will. voluntarily, without any sort of pressure, coercion and fear.”

4. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and other family members in the complaint but FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No. 2 on 14.09.2007 and two daughters have been born from the wedlock. The matrimonial dispute has been amicably settled

between the parties in terms of the compromise (Annexure P-2). Marriage of the petitioner and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act vide judgment and decree dated 30.11.2022 passed by learned Family Court, Ludhiana. The petitioner has paid a sum of Rs. 2,00,000/- to respondent No. 2 on account of permanent alimony and she has also received all her articles of *stree dhan* and nothing is due payable to her by the petitioner. The joint FDR in the name of petitioner and respondent No. 2 shall be got encashed by the respondent No. 2. The custody of the minor daughters shall remain with the petitioner and no other case is pending between the parties.

5. Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has stated that he has no objection if the FIR is quashed.

6. 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.

7. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute of close relatives 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.

8. 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*.

9. Accordingly the present petition is allowed and FIR No. 005, dated 16.01.2020 registered under Sections 406 and 498-A of Indian Penal Code at Women Police Station District Police Commissionerate Ludhiana and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

08.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No