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CRM-M-38796-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of Decision: 16.12.2023

SHUBHAM BHATEJA ... PETITIONER
VS.
STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ashok Paul Batra, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

Mr. Raghav Goyal Chandiwala, Advocate for
Ms. Mehak Sharma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

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1. This is an application for preponement of the main case which is coming up for hearing on 01.04.2024.
2. Notice in the application.
3. Mr. Hittan Nehra, Additional Advocate General, Punjab, accepts notice on behalf of respondent No.1-State.
4. Mr. Raghav Goyal Chandiwala, Advocate for Ms. Mehak Sharma, Advocate, has appeared on behalf of respondent No.2.
5. By recording no objection from the learned State counsel as well as counsel appearing for respondent No.2, let the main case be taken up on the Board today itself.
6. Application is disposed of.

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7. This is an application for placing on record copy of the judgment and decree dated 06.10.2023 passed by the learned Family Court, as Annexure P-5.

8. For the reasons stated in the application, the same is allowed. Annexure P-5 is taken on record, subject to all just exceptions.

9. Registry is directed to tag the same at appropriate place.

10. Application is disposed of.

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11. Petitioner is seeking to quash the FIR No.133 dated 20.09.2021 under Sections 498-A/406/506 IPC and Section 4 of Dowry Prohibition Act, registered at Police Station Bahavwala, District Fazilka and all the consequential proceedings arising therefrom on the basis of compromise.

12. On 08.08.2023, the parties were directed to get their statements recorded before the learned trial Court/Area Magistrate.

13. In compliance of the order dated 08.08.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Abohar has sent the report and the relevant portion whereof is reproduced here-in-below:-

“i. It is submitted that only one accused namely Shubham Bhateja is facing the trial as the present FIR has been registered against only one accused namely Shubham Bhateja.

ii. It is further submitted that as per statement of Investigating Officer, none of the accused person has been declared proclaimed offender in this case at any stage of trial.

iii. It is further submitted that the present

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stage/status of this case/trial is on prosecution evidence.

iv. It is further submitted that in view of the statements got recorded by both the parties, this court is satisfied that the compromise effected between them is genuine and voluntary and are not the result of any pressure or coercion in any manner.”

14. Learned counsel for the petitioner contends that although the allegations were levelled against the petitioner and other family members but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 24.10.2020 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 06.10.2023 passed by the learned Family Court Camp at Abohar. A sum of Rs.4,90,000/- has been paid by the petitioner to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of istridhan and no other case is pending between the parties.

15. Learned counsel appearing 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.

16. 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

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and a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

17. 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.

18. 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*.

19. 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.133 dated 20.09.2021 under Sections 498-A/406/506 IPC and Section 4 of Dowry Prohibition Act, registered at Police Station Bahavwala, District Fazilka and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

16.12.2023
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(VIVEK PURI)
JUDGE

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