

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44950-2022
Date of Decision: 12.09.2023

RAGHAV ARORA & OTHERS ... PETITIONERS
V/S
STATE OF UT CHANDIGARH & ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Ramandeep Kaur, Advocate for
Mr. Varinder Basa, Advocate for the petitioner.

Ms. Roopse Sharma, Advocate for
Mr. Anil Kumar Lamdharia, Addl. P.P. U.T. Chandigarh.

Mr. Naveen Batra, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 154 dated 15.11.2019 under Sections 498-A and 406 IPC registered at Women Police Station, U.T. Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 27.02.2023, 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 order dated 27.02.2023, learned Addl. Sessions Judge, Chandigarh has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ i) The assessment regarding the veracity of compromise, is that the same is genuine, voluntary and out of free will.

ii) As per statement of Investigating Officer Assistant Sub Inspector Ram Lubhaya, No.387/CHG,

three accused persons namely Raghav Arora, Rajinder Kumar Arora and Shelly Arora have been nominated as accused in the First Information Report/police report.

iii) All the parties to the case have entered into compromise.

iv) As per the statement of the Investigating Officer, no other criminal case is pending against the parties.

v) As per the statement of Investigating Officer, none of the party has been declared as proclaimed offender in any other criminal case. ”

4. Learned counsel for the petitioners contend that although the allegations were levelled against the petitioners and 4 other relatives, but the FIR has been registered only against the petitioners. The marriage of petitioner No.1 was solemnized with respondent No.2 on 07.11.2016, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. Petitioner No.1 has paid a sum of Rs.4,70,000/- to respondent No.2 on account of permanent alimony. 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 the judgment and decree dated 02.03.2023 passed by the learned Family Court, Chandigarh. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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 is 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 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***, approved 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.154 dated 15.11.2019 under Sections 498-A and 406 IPC registered at Women Police Station, U.T. Chandigarh and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

12.09.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No