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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.43271 of 2023(O&M)

Date of Decision: 18.10.2023

Ashish Garg

..... Petitioner

V/s.

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vivek Sethi, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

Mr. Yogesh Putney, Advocate for respondent No.2.

Vivek Puri, J. (Oral)

1. The petitioner is seeking to quash the FIR bearing No.113 dated 20.07.2022 under Sections 498-A, 406 IPC registered at Police Station Punjab Agricultural University (PAU), District Police Commissionerate, Ludhiana and all the other subsequent proceedings arising therefrom on the basis of compromise.

2. On 31.08.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 31.08.2023, the statements of the parties have been recorded and the learned Judicial Magistrate Ist Class, Ludhiana, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1.Number of persons arrayed as accused in FIR?”

*A. In this regard, it is respectfully submitted that as per the statement of Investigating Officer and the FIR, there is **ONE ACCUSED ASHISH GARG** in the present FIR.*

2.Whether any accused is proclaimed offender?

*A:In this regard, it is respectfully submitted that as per the statement of IO, **NONE OF THE ACCUSED** has been declared as proclaimed offender in the present case.*

3. Whether the accused persons are involved in any other case or not

*A. In this regard, it is respectfully submitted that as per statement of investigating officer and of the accused, there is **NO OTHER CRIMINAL CASE** pending against the accused.*

4. Whether the compromise is genuine, voluntarily and without any coercion or undue influence?

*A. In this regard, it is respectfully submitted that in view of the statement suffered by the parties and from the demeanor during preliminary questioning, the **COMPROMISE BETWEEN THE PARTIES APPEARS TO BE GENUINE, VOLUNTARY AND OUT OF FREE WILL OF THE PARTIES.** ”*

4. Learned counsel for the petitioner contends that the allegations were leveled against the petitioner and 03 other relatives, who were found innocent during the course of enquiry and the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 06.05.2017 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the Settlement Agreement (Annexure P-2). The petitioner shall pay a sum of Rs.50 lakhs to respondent No.2 on account of permanent alimony. The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act, 1955 in the learned Family Court, Ludhiana for dissolution of marriage wherein the statements of the parties at the stage of first motion have been recorded. A sum of Rs.15 lakhs has already been paid to respondent No.2. A sum of Rs.10 lakhs shall be paid when the statements of the parties is recorded at the time of quashing of the FIR before the learned Illaqa Magistrate / trial Court. Another sum of Rs.25 lakhs shall be paid when the statements of the parties is recorded at the stage of 2nd motion. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else is due payable to her from the petitioner. The custody of the minor son shall remain with

respondent No.2. The application instituted by respondent No.2 under the provisions of Protection of Women from Domestic Violence Act has already been withdrawn. The petitioner shall withdraw the petition under Section 9 of the Hindu Marriage Act instituted by him. No other case is pending between the parties.

5. Learned counsel 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.

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 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. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR bearing No.113 dated 20.07.2022 under Sections 498-A, 406 IPC registered at Police Station Punjab Agricultural University (PAU), District Police Commissionerate, Ludhiana and all the other subsequent proceedings arising

therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

18th October, 2023
Sonia Puri

(VIVEK PURI)
JUDGE

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