

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-43294-2023

Date of Decision: 06.11.2023

ASHU ARORA

... PETITIONER

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ashish Aggarwal, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Vikasdeep Singh, Advocate for
Mr. Chirag Suri, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash FIR No.130 dated 07.06.2023 under Sections 406 and 498-A IPC registered at Police Station Jandiala, District Amritsar Rural and all the 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 1st Class, Amritsar, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“1. There is only one accused in the present FIR, namely Ashu Arora.

2. No accused is Proclaimed Offender in this case.

3. Compromise is genuine and same is without any coercion or undue influence.

4. Accused is not involved in any other FIR.

5. As per statement of IO, there is only one complainant namely Nidhi Kalra and there is no victim in the present FIR.”

4. Learned counsel for the petitioner contends that the allegations were levelled against the petitioner and other relatives but the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 06.07.2020 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). The petitioner shall pay a sum of Rs. 8 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 Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family Court, Amritsar wherein the statements of the parties at the stage of first motion have been recorded. A sum of Rs. 4 Lakhs has already been paid and the balance amount of Rs. 4 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 *Istridhan* and nothing else is due payable to her from the petitioner. No other case is pending between the parties.

5. 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.

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 No. 130 dated 07.06.2023 under Sections 406 and 498-A IPC registered at Police Station Jandiala, District Amritsar Rural and all the 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.

06.11.2023

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No