

**278 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-47313-2022

Date of decision: 27.07.2023

ANKIT MALHOTRA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nitin Thatai, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. Anshul Sharma, Advocate for
Mr. S.S.Thakur, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.95 dated 03.10.2015 under Sections 406/498-A IPC, registered at Women Police Station, District Ludhiana and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 12.12.2022, parties were directed to appear before the Trial Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.
3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.
4. In compliance of the order dated 12.12.2022, learned Judicial Magistrate 1st Class, Ludhiana has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

CRM-M-47313-2022

-2-

one accused namely Ankit Malhotra in the present FIR No.95 dated 03.10.2015 under Sections 406/498-A of Indian Penal Code, 1860, Police Station, Women Cell.

2. It is further submitted that no accused has been declared proclaimed offender as per record.

3. In view of statements given by the parties, this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily, without any pressure, coercion or undue influence from any quarter and out of free will of parties.

4. As per statement of ASI Harjinder Singh, the accused Ankit Malhotra is not involved in any other case.

5. It is further submitted that statement of ASI Harjinder Singh, P.S Women Cell was recorded and there is one complainant namely Shyna Malhotra in the present case.”

5. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 08.08.2013 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties and Annexure P-2 is the affidavit of respondent No.2 in this regard. 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 Hindu Marriage Act in terms of judgment and decree dated 25.05.2023 passed by the learned Family Court, Ludhiana. A sum of Rs.42,00,000/- has been paid by the petitioner to respondent No.2 in full and final settlement of her claim for permanent alimony. The custody of minor daughter shall remain with respondent No.2. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her. The other cases pending between the parties have been withdrawn.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

7. After hearing the 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.

8. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial 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.

9. 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*.

10. 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.95 dated 03.10.2015 under Sections 406/498-A IPC, registered at Women Police Station, District Ludhiana and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

27.07.2023

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(VIVEK PURI)
JUDGE

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