

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52958-2022
Date of Decision: 27.07.2023

RAJAT AHUJA AND ANOTHER ... PETITIONERS
VS.
STATE OF UT, CHANDIGARH & ANR .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Muskan Verma, Advocate for
Ms. Aanchal Thakur, Advocate
for the petitioners.

Mr. Anil Kumar Lamdharia, Addl. P.P.
for U.T.Chandigarh.

Mr. Sanjeev Kumar Sharma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.0031 dated 25.01.2019 under Sections 406 and 498-A IPC, registered at Women Police Station, Chandigarh and all the consequential proceedings arising therefrom on the basis of compromise.

2. On 16.03.2023, the parties were directed to get their statements recorded before the learned Illaqa/Duty Magistrate.

3. In compliance of the order dated 16.03.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Chandigarh has sent the report and the relevant portion whereof is reproduced here-in-below:-

"1. There are two accused persons namely Rajat Ahuja and Veena Ahuja. As per statement of IO, no other FIR has been registered against any of the accused persons and they had never declared proclaimed offender in the present case and no such proceedings have been initiated or pending against them.

2. The statement of complainant Aanchal Manchanda, D/o Ashok Manchanda has been recorded whereby she submitted that now the matter in dispute has been settled with the accused persons with the intervention of friends and relatives. Copy of compromise deed dated 17.10.2022 has also been placed on record. She also stated that the matter has been compromised without any coercion or pressure.

In this regard, statements of accused Rajat Ahuja and Veena Ahuja also recorded to the effect that the matter has been settled with the complainant and the compromise has been effected without any coercion or pressure.

3. As per statement suffered by the IO, SI Raja Ram, No.1431/CHG, Traffic Police, Sector 29, Chandigarh, no other FIR is found to be registered against any of the accused persons.

4. The present case is fixed for prosecution evidence.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1. was solemnized with respondent No.2 on 22.01.2014 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise deed, Annexure P-4. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of judgment and decree dated 15.07.2023 passed by the Court of learned Additional District Judge, Chandigarh. A sum of Rs.15 lac has been paid to respondent No.2 on account of permanent alimony for herself and minor son. The custody of minor child shall remain with respondent No.2. The parties have withdrawn the other cases instituted by them.

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***, upheld 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.0031 dated 25.01.2019 under Sections 406 and 498-A IPC, registered at Women Police Station, Chandigarh and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

27.07.2023
smriti

(VIVEK PURI)
JUDGE

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