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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58350-2022

Date of Decision: 03.07.2023

YOGESH K. PURI

... PETITIONER

V/S

STATE OF U.T. CHANDIGARH & ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Arpit Dua, Advocate for
Mr. K.R.Dhawan, Advocate for the petitioner.

Mr. Shashank Bhandari, Addl. P.P. U.T. Chandigarh.

Mr. Harminder Singh Johal, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 61 dated 07.07.2022 registered under Sections 406, 498-A of the Indian Penal Code at Women Police Station, Sector 17, Chandigarh and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

2. On 14.12.2022, 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 14.12.2022, learned Judicial Magistrate First Class, Chandigarh has recorded the statements of the

parties and submitted the report, the relevant portion whereof reads as under:-

“2. As per directions of Hon'ble High Court, on 6.2.2023 complainant Monika Sharma appeared and got recorded her separate statement that there is only one accused namely Yogesh K Puri arrayed in the FIR. Now with the intervention of well wishers, respectables and common friends she has compromised the matter with the accused vide compromise deed dated 22.11.2022 i.e., Ex.CA, which is not the result of any fraud or misrepresentation. The compromise has been effected out of free Will, without any coercion and voluntarily and is genuine. The accused is on anticipatory bail. She reaffirms the contents of Ex.CA. Petition under Section 13B of The Hindu Marriage Act at Chandigarh has already been filed wherein statement of the parties has been recorded and is pending for 31.5.2023.

3. Thereafter, accused Yogesh K Puri got recorded his statement that aforesaid FIR was registered against him. He has never been declared as proclaimed offender. Now with the intervention of respectables, friends and well wishers he has compromised the matter with the only complainant Monika Sharma vide compromise deed dated 22.11.2022 Ex.CA, which is not the result of any fraud or misrepresentation. The compromise has been effected out of free Will, without any coercion and voluntarily and is genuine. He reaffirms the contents of Ex.CA. He is on anticipatory bail. There is no other criminal case pending against him. Petition under Section 13B of The Hindu Marriage Act at Chandigarh is pending for 20.2.2023. He shall withdraw the civil suit tiled as Yogesh K Puri vs Registrar of Marriages, UT., and Monika Sharma pending before the court of Shri Puneet Mohinia, learned Civil Judge (Junior Division), Chandigarh.

4. Statement of ASI Hawa Singh, Belt No.3033, Women Police Station, Sector 17, Chandigarh was also recorded wherein he stated that as per record there is only accused namely Yogesh K Puri arrayed in the present FIR. As per record there is no other FIR or case registered against any of the parties involved in present FIR. As per record there is no pending or previous PO proceeding against the said accused. Accused is on anticipatory bail. There is one complainant/ victim in the present case.

5. There is only one accused in the present case and no other case/FIR is pending against him nor any PO proceedings are pending against the said accused. Since the matter has been compromised by the complainant with the accused without any pressure, coercion or threat from any side, who have no objection with regard to quashing of FIR on the basis of compromise, therefore, compromise is complete, genuine, valid and good in the eyes of law.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 04.10.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of Matrimonial Settlement Deed (Annexure P-2). 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 and the statements of the parties at the stage of second motion have also been recorded today. Respondent No.2 has received all her articles of *Istridhan*. The entire claim of respondent No.2 for permanent alimony has been satisfied. The parties have withdrawn all other cases pending between them except the petition under Section 482 Cr.P.C for quashing of the FIR which has been registered against respondent No.2 under Section 420 IPC at the instance of petitioner's father.

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 (Annexure P-2). 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*, upheld 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. 61 dated 07.07.2022 registered under Sections 406, 498-A of the Indian Penal Code at Women Police Station, Sector 17, Chandigarh and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

03.07.2023

Janki

(VIVEK PURI)
JUDGE

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