



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

CRM-M-10290-2024

Date of Decision: 06.05.2024

Rachit Aggarwal and others

.... Petitioners

Versus

State of Chandigarh and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Arnav Kumar, Advocate for the petitioner.

Mr. Manish Bansal, P.P. U.T., Chandigarh and
Mr. Navjit Singh, Advocate
for respondent No.1-U.T., Chandigarh.

Mr. Hitesh Verma, Advocate for
respondent No.2/complainant.

NIDHI GUPTA, J. (ORAL)

The petitioners, who are the husband, father-in-law and mother-in-law of the complainant/respondent No. 2 herein have filed the present petition under Section 482 Cr.P.C., for quashing of FIR No. 47 dated 16.08.2023 registered under Sections 406/498-A of Indian Penal Code, 1860 at Women Police Station, Sector-17, Chandigarh (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties in a petition bearing **HMA No. 93 of 2024** titled as **Reva Bansal Vs. Rachit Aggarwal** dated 31.01.2024 (Annexure P-2).

Pursuant to the order dated 27.02.2024 passed by this Court, the parties appeared before the learned Judicial Magistrate, 1st Class,



Chandigarh, to get their statements recorded. Learned Judicial Magistrate, 1st Class, Chandigarh, has submitted his report along with copies of statements of the parties vide letter dated 03.04.2024 duly forwarded by the learned District and Sessions Judge, Chandigarh.

A perusal of the above said report would show that the petitioner No. 1 and respondent No. 2 have jointly filed petition bearing HMA No. 93 of 2024 under Section 13-B of the Hindu Marriage Act for seeking divorce by way of mutual consent in which first motion statement has already been recorded on 31.01.2024 and now the case is fixed on 30.08.2024 for recording of second motion statement before the learned Additional District Judge, Chandigarh. The compromise by filing a joint petition under Section 13-B of the Hindu Marriage Act dated 30.01.2024 has been found to be genuine, voluntary, without any coercion or undue influence. There is no other criminal case pending against the parties.

Learned counsel for the petitioners submits that the present FIR emanates from the matrimonial dispute between the parties. He further submits that as per report, the petitioners have never been declared as proclaimed offender.

Learned State counsel, on instructions from ASI Yudhvir Singh, has stated that he has 'no objection' in case the FIR is quashed on the basis of compromise qua the petitioners.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the learned Judicial



Magistrate, 1st Class, Chandigarh, this Court finds that the matter has been amicably settled between the petitioners and respondent No. 2. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in “***Kulwinder Singh and others Vs State of Punjab***”, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the proceedings where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble Apex Court in the case of “***Gian Singh Vs. State of Punjab and another***”, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced here-in-below:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”



In view of what has been discussed here-in-above, this petition is allowed and FIR No. 47 dated 16.08.2023 registered under Sections 406/498-A of Indian Penal Code, 1860 at Women Police Station, Sector-17, Chandigarh (Annexure P-1) and all other consequential proceedings arising therefrom on the basis of compromise arrived at between the parties in a petition bearing **HMA No. 93 of 2024** titled as **Reva Bansal Vs. Rachit Aggarwal** dated 31.01.2024 (Annexure P-2) are ordered to be quashed qua the petitioners.

06.05.2024

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No