

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

312

CRM-M-22445-2023 (O&M)
Date of decision: 24.01.2024

ANKUSH SAINI @ ANKUSH KUMAR AND OTHERS

...Petitioners

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Ms. Simran Sharma, Advocate for
Mr. Akhilesh Vyas, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Ms. Nirmal Sharma, Advocate for
Mr. Amit Thakur, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN , J. (ORAL)

[1] The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0054 dated 21.03.2023 registered at Police Station Dinanagar, District Gurdaspur under Sections 323, 324, 498-A, 406, 34 of the IPC on the basis of compromise dated 13.04.2023 (Annexure P-2) effected between the parties and affidavit dated 17.04.2023 (Annexure P-3) filed on behalf of respondent No.2.

[2] Status report by way of affidavit of Aditya Warriar, IPS, Assistant Superintendent of Police, Dinanagar, District Gurdaspur has been filed on respondent No.1-State, which is taken on record.

[3] Learned counsel for the petitioners *inter alia* contends that the

petitioner No.1-Ankush Saini and respondent No.2-Avnita Saini @ Abhinita Saini were married to each other. Due to a matrimonial dispute, the present FIR was registered. He further contends that the matrimonial dispute has been resolved between the petitioners and respondent No.2 by way of effecting a compromise dated 13.04.2023 (Annexure P-2) signed by both the parties. He submits that respondent No.2 does not want to take any action in the present FIR.

[4] Learned counsel appearing on behalf of respondent No.2 has confirmed the factum of compromise between the parties.

[5] As per order dated 05.05.2023 passed by the Coordinate Bench of this Court, the parties were directed to appear before the trial Court/Duty Magistrate for recording of their statements and their report from the said Court was sought regarding genuineness of the compromise.

[6] As per the report dated 27.09.2023 of Court of Ms. Parneet Kaur, Judicial Magistrate Ist Class, Gurdaspur, statements of petitioners and complainant-respondent No.2 as well as Investigating Officer-ASI Nirmal Singh have been recorded. No accused has been declared as Proclaimed Offender in this case. She has submitted that the compromise is genuine and voluntary without any force or undue influence. No case is pending against the petitioners except the present case. There is only one victim/complainant and the compromise is supported by her.

[7] Learned State counsel has not raised any objection regarding the acceptance of the present petition.

[8] The Hon'ble Apex Court in **Gian Singh Versus State of Punjab (SC) 2012 (4) RCR (Criminal) 543**, has observed that in order to secure the ends of justice or to prevent the abuse of the process of Court, this Court can use inherent

powers to quash the criminal proceedings in which compromise has been effected.

[9] As per compromise (Annexure P-2) the petitioners have agreed to return the entire dowry articles and to pay a sum of Rs.7,25,000/- to the respondent No.2-wife and petitioner No.1-husband and respondent No.2-wife have also decided to file joint petition seeking divorce after separation for a period of one year. As per the affidavit of respondent No.2 (Annexure P-3), she has testified that all her claims regarding dowry and permanent alimony in terms of the compromise has been settled and no claim is left. She has further testified that a joint petition under Section 13-B of the Hindu Marriage Act would be filed by her and petitioner No.1-husband. Since, the entire claim qua the alimony has been received by the respondent No.2 and she does not want to take any action against the petitioners in pursuance to the present FIR, as such this Court is of the considered view that further continuing with the present FIR is not in the interest of the parties. This Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[10] Consequently, this petition is allowed and FIR No.0054 dated 21.03.2023 registered at Police Station Dinanagar, District Gurdaspur under Sections 323, 324, 498-A, 406, 34 of the IPC and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[11] However, the respondent No.2-wife and State shall be at liberty to seek cancellation of this order in case the final terms and conditions of the compromise deed (Annexure P-2) are violated.

[12] All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

24.01.2024

P.Bhatt

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