

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

CRM-M-49458-2023
Date of decision: 15.01.2024

RAJESH KUMAR GUPTA AND OTHERSPetitioners

versus

STATE OF PUNJAB AND ANOTHERRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Neeraj Januha, Advocate
for the petitioners.

Mr. Kunwarbir Singh, AAG, Punjab.

Mr. Hitesh Ghai, Advocate for
Mr. Vinod K. Kanwal, Advocate
for respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

[1] The present petition has been filed under Section 482 Cr.P.C. for quashing of FIR No.84 dated 16.05.2019, under Sections 406 and 498-A IPC, registered at Police Station Women, Ludhiana, District Police Commissionerate, Ludhiana (Annexure P-1), on the basis of compromise dated 25.05.2023 (Annexure P-2) between the parties.

[2] Learned counsel for the petitioners contends that the present FIR was registered at the instance of respondent No.2-wife alleging that the petitioner-husband has harassed her on the pretext of demand of dowry. It is further contended on behalf of the petitioners that the matter has been compromised between the parties and as per the compromise dated 25.05.2023 (Annexure P-2), both the parties have decided to part their ways and a joint petition for divorce under Section 13-B of the Hindu Marriage Act, 1955 has been filed. Rs.75,000/- has been paid by petitioner No.1-husband to respondent No.2-wife during the first motion

statement of the parties, recorded on 15.07.2023 by the Family Court, Ludhiana and the petitioner No.1 has given an undertaking that he will pay the second installment to respondent No.2-wife during recording of second motion statement of the parties on 19.01.2024, as such, respondent No.2-wife does not want to pursue the present case against the petitioners and she has no objection if the present FIR is quashed.

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

[4] On 03.10.2023, the parties were directed to appear before the trial Court/Illaq Magistrate for recording of their statements regarding the compromise.

[5] The report dated 22.12.2023 of the Judicial Magistrate, Ist Class, Ludhiana through the District & Sessions Judge, Ludhiana has been received. As per said report, the compromise between the parties is genuine. The relevant portion of the said report reads as under:

“Accordingly, as per the directions of Hon'ble High Court, the joint statement of petitioners/accused namely (1) Rajesh Kumar Gupta son of Om Parkash Gupta resident of Flat no. 85, 4th Main, 5th Cross Koihalli, Bengluru, Karnatka (2) Om Parkash Gupta son of Racmchandra Gupta resident of Shershah Road, Tripolia Hospital, Laxmanpur Math, Sampatchak, Patna, Bihar (3) Shobha Devi wife of Om Parkash gupta resident of Shershah Road, Tripolia Hospital, Laxmanpur Math, Sampatchak, Patna, Bihar and statement of complainant/respondent no.2 2 Deepti Rani D/o Sunil Kumar wife of Rajesh Kumar Gupta resident of ward no. 1-C, Street no. 1, Guru Vihar, Rhona Road, Basti Jodhewal, Ludhiana have been recorded. In their separate statements, both the parties admitted the genuineness of the compromise arising between them. Both the parties have been identified by their counsel and they also produced the copies of their Aadhar Cards as proof of their identity.

It is respectfully submitted that as per the statement of parties, the information sought by Hon'ble High Court is as given under:-

- 1. The compromise dated 25.05.2023 has been freely entered into between the parties without any undue influence, coercion or pressure of any kind.*
- 2. As per the statement of parties, no other criminal case is pending against them.*
- 3. No proclamation proceedings are pending against any of the party.*

So, from the statements of the parties, it appears to the court that the parties have been compromised the matter out of their free Will, voluntarily, without any sort of pressure or coercion or fear.”

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

[7] Hon'ble the Full Bench of this Court in **Kulwinder Singh and others vs. State of Punjab and others** 2007 (3) RCR (Criminal) 1052, has held that the High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offences and quash the proceeding where the High Court is of the opinion that it is required to prevent the abuse of process of law or otherwise to secure the ends of justice.

[8] The matter has been settled between the parties. The first motion statement of the parties has already been recorded by the Family Court, Ludhiana on 15.07.2023 and the petitioner No.1-husband has paid an amount of Rs.75,000/- to respondent No.2-wife. Now the case is pending for 19.01.2024 and the petitioner undertakes to pay the second installment to respondent No.2-wife during recording of second motion statement of the parties. The petitioners have not been declared as “Proclaimed Offender” in this case nor any other case is pending against the present petitioners and the complainant does not want to pursue the present case against the petitioners, therefore, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

[9] Consequently, this petition is allowed and FIR No.84 dated 16.05.2019, under Sections 406 and 498-A IPC, registered at Police Station Women, Ludhiana, District Police Commissionerate, Ludhiana (Annexure P-1) and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioners.

[10] However, the respondent No.2-complainant and the State shall be at liberty to seek cancellation of this order, in case the final terms and conditions of compromise dated 25.05.2023 (Annexure P-2) are violated.

[11] Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

15.01.2024
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No