

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRR-1015-2017(O&M)
Date of decision : 14.01.2025

Pankaj Aggarwal

..... Petitioner

V/S

State of Punjab and Anr.

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. J.S.Dadwal, Advocate for petitioner.

Mr. Gautam Thapar, AAG, Punjab.

Mr. A.P.S.Virk, Advocate for respondent No.2.

AMARJOT BHATTI J. (ORAL)

1. Petitioner-Pankaj Aggarwal filed this revision against impugned judgment and order of sentence dated 01.03.2016 passed by learned Judicial Magistrate Ist Class, Rajpura vide which accused Santosh who is mother of petitioner was acquitted of the charge framed against her whereas present petitioner-Pankaj Aggarwal was convicted for the offences under Section 498-A, 406 of IPC and was sentenced as under:-

Charge under	Sentence
Section 498-A of IPC	To undergo rigorous imprisonment for a period of two years and fine of Rs.1,000/- and simple imprisonment for 15 days in default of payment of fine.
Section 406 of IPC	To undergo rigorous imprisonment for a period of two years

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2. Feeling aggrieved of the aforesaid judgment, Pankaj Aggarwal filed criminal appeal whereas Sonia feeling aggrieved of judgment of acquittal preferred separate appeal. Both the appeals were taken up together for disposal vide which appeal preferred by Sonia against judgment of acquittal was dismissed whereas appeal preferred by Pankaj Aggarwal qua conviction was also dismissed vide judgment dated 01.03.2017, thus the judgment and order of sentence dated 01.03.2016 passed by learned trial Court was upheld.

3. Feeling aggrieved of the judgment dated 01.03.2017 passed by learned Additional Sessions Judge, Patiala dismissing the appeal, present criminal revision has been filed.

4. During the pendency of present case, learned counsel for petitioner filed application under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 359 (6) for compounding/quashing of aforesaid judgment dated 01.03.2016 passed by learned Judicial Magistrate Ist Class, Rajpura and judgment dated 01.03.2017 passed by learned Additional Sessions Judge, Patiala on the basis of compromise arrived at between the parties before Mediation and Conciliation Centre of this Court.

5. In pursuance of said compromise, vide order dated 16.12.2024 both the parties were directed to appear before Chief Judicial Magistrate/Illaq Magistrate, Patiala for recording of their statements regarding compromise. Detailed report regarding compromise has been received from the court of Chief Judicial Magistrate, Patiala dated 13.01.2025. Statement of respondent No.2 has been recorded, where she confirmed the compromise with petitioner. She confirmed that this compromise has been effected without any pressure, coercion or undue influence from any side and she has no objection regarding quashing of FIR.

Petitioner- Pankaj Aggarwal also confirmed this fact in his separate statement.

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6. Therefore, from the report of Chief Judicial Magistrate, Patiala it is clear that compromise has been effected between the parties without any pressure, coercion or undue influence. They have mutually settled all their claims arisen from matrimonial dispute. Matrimonial dispute and litigation was going on between the parties since 2008. The parties have arrived at compromise before the Mediation and Conciliation Centre of this Court. They have also taken divorce on 10.11.2017 in petition under Section 13-B of Hindu Marriage Act, 1955. Copy of judgment is Annexure P-2. As a result, they have settled all their disputes arising out of this relationship. Now both the parties will be able to live peacefully.

It will end the litigation started between them. No purpose would be served with the continuation of criminal proceedings.

7. Gainful reference can be made to the judgment of Larger Bench of Five Judges of this High Court cited in 2007(3) R.C.R. (Criminal) 1052 tilted as Kulwinder Singh and Ors. Vs. State of Punjab and Anr., where it was explained that 'there can never be any hard and fast category which can be prescribed to enable the court to exercise its power under Section 482 of Cr.P.C. The only principle that can be laid down is the one which has been incorporated in the section itself i.e. to prevent abuse of the process of any court or to secure the ends of justice.'

8. Therefore, by relying upon the ratio of the aforesaid judgment, no purpose would be served with the continuation of criminal proceedings. Considering the aforesaid facts and compromise arrived at between the parties, the petition filed by petitioner is accepted and consequently complaint No.17T of 16.07.2008/2014 decided on 01.03.2016 titled "Sonia Vs. Pankaj Aggarwal and Ors." and all consequential proceedings arising therefrom i.e. judgment of conviction passed by learned trial Court qua petitioner Pankaj Aggarwal and judgment in



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appeal passed by learned Additional Sessions Judge, Patiala upholding the conviction of present petitioner is accordingly quashed.

The present petition accordingly disposed of.

9. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

**(AMARJOT BHATTI)
JUDGE**

14.01.2025.

Sunil Devi

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No