

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

CRM-M-29514-2020 (O&M)

Date of decision: 08.04.2021

Gaurav Kapoor and others

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Anshumaan Dalal, Advocate for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. D.K. Tuteja, Advocate for respondent No.2.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

Petitioners – Gaurav Kapoor, Avinash Chander Kapoor, Anil Kapoor, Neelam Suri and Garima Kapoor have brought the instant petition under Section 482 Cr.P.C. for quashing of FIR No.374 dated 28.11.2019, for offences under Sections 323, 498-A, 354-A, 506, 406 and 34 IPC, registered at Police Station Arya Nagar, Rohtak against them, along with consequential proceedings arising therefrom, on the basis of compromise, stated to have been effected between them and complainant Jyoti Juneja- arrayed as respondent No.2.

Briefly stated facts of the case as per prosecution story are that, complainant Jyoti Juneja daughter of Inderpal Juneja had submitted a written complaint to Superintendent of Police, Rohtak levelling allegations of harassment, assault, domestic violence and criminal breach

of trust with regard to her 'istridhan' articles against her husband Gaurav Kapoor, Avinash Chander Kapoor-father in-law, Anil Kapoor-uncle, Neelam Suri and sister in-law Garima Kapoor; on the basis of that complaint, formal FIR was registered; the investigation in the case started; however, during the course of investigation, the parties have amicably settled the dispute.

Learned counsel for respondent No.2/complainant has stated that the complainant has received the entire payment under the compromise and the marriage between complainant Jyoti Juneja and petitioner No.1 Gaurav Kapoor has since been dissolved by a decree of divorce by mutual consent. As such, the complainant has no objection if the present petition is accepted.

Vide order dated 24.09.2020, in light of the contention that parties have since effected compromise, they were directed to put in appearance before the Illaqa Magistrate/Duty Magistrate, to get their statements recorded with regard to compromise and the Magistrate was directed to send a report to this Court.

Report has been received from Judicial Magistrate 1st Class, Rohtak, in terms of which complainant Jyoti Juneja and accused, namely, Avinash Chander Kapoor, Anil Kapoor, Neelam Suri and Garima Kapoor, had appeared there and their statements were recorded, in terms of which they have admitted to have entered into a voluntary compromise, without any threat or coercion. There is nothing on record to doubt the genuineness of the compromise so arrived at between the parties. Along

with the report statement of the complainant and the accused, have been annexed.

I have heard learned counsel for the parties besides going through the record.

The dispute between the parties has been resolved amicably, which appears to have been arrived at between them voluntarily without any threat or coercion and in terms of ratio of the authority reported as **Kulwinder Singh and others vs. State of Punjab and Anr. 2007 (3) RCR (Criminal) 1052**, where in para 28, it has been held as under :-

“The compromise, in a modern society, is the sine qua non of harmony and orderly behaviour. It is the soul of justice and if the power under Section 482 of the Cr.P.C. is used to enhance such a compromise which, in turn, enhances the social amity and reduces friction, then it truly is “finest hour of justice”.”

It has been observed that High Court has power to quash prosecution in order to achieve ends of justice and to prevent abuse of process of law. Though such powers are unlimited but those are to be exercised sparingly and with utmost care and caution. Though there is no statutory bar which can affect the inherent power of High Court under Section 482 Cr.P.C.

The compromise is in interest of peace and tranquility in the society and for such like reasons this Court can quash the FIR and ancillary proceedings exercising power under Section 482 Cr.P.C., it appears to be a fit case to exercise such powers.

Accordingly, the petition is allowed and the above said FIR along with ancillary proceedings are hereby quashed.

08.04.2021

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(H.S. MADAAN)

JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No