

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39552-2021
Date of Decision: 21.12.2021

Deepak Grover and another ... Petitioners

v/s

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Namit Khurana, Advocate
for the petitioners.

Mr. Naveen Singh Panwar, DAG Haryana.

Mr. Baljit Nain, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.101 dated 08.10.2016, under Sections 498-A, 323, 406, 377, 420, 506 and 34 IPC registered at Police Station Women, District Yamuna Nagar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 22.09.2021, notice of motion was issued and parties were directed to appear before the Trial Court and get their statements recorded with regard to the compromise arrived at between them.

The Trial Court was directed to record the statements of all the concerned and sent its report regarding genuineness of the compromise.

In compliance of the order dated 22.09.2021, learned Judicial

Magistrate 1st Class, Yamuna Nagar at Jagadhri has recorded the statements

of the parties and submitted his report, which is as under:-

“With due respect, it is humbly submitted that in pursuance of order dated 22.09.2021 passed by Hon'ble High Court in CRM-M-39552-2021, both the parties had appeared before me being Trial Court. Both the parties have been heard in person and the statement of complainant namely Geeta and statement of accused namely Deepak Grover and Veena Rani has been recorded being satisfied that the statements given by the parties are voluntary and without any coercion or undue influence. Statement of Investigating Officer ASI Kamla Rani No. 904 Women Police Station Yamuna Nagar has also been recorded. The information as required by the Hon'ble High Court is as under:-

- 1. The statements of both the parties appear to be genuine, bonafide and without any pressure or coercion, as compromise has been stated to be effected between the parties.*
- 2. As per the statement of ASI Kamla Rani No. 904 Women Police Station Yamuna Nagar, no other FIR or case is pending against either of the parties at Women Police Station Yamuna Nagar and neither of the parties involved in the present FIR have been declared proclaimed offender. No P.O. proceedings are stated to be pending against either of the parties.”*

The matrimonial dispute has been amicably settled. The petitioner No.1 and respondent No.2 have already preferred a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by a decree of divorce by mutual consent wherein the statements at the stage

of first motion have already been recorded.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that it is a fit case for exercising the inherent jurisdiction of this Court under Section 482 Cr.P.C., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise (Annexure P-2). The compromise is without any pressure and is a genuine one. In such a situation, continuation of the prosecution would result in sheer abuse of process of law.

For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, upheld by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

Accordingly, the present petition is allowed and FIR No.101 dated 08.10.2016, under Sections 498-A, 323, 406, 377, 420, 506 and 34 IPC registered at Police Station Women, District Yamuna Nagar and all the consequential proceedings arising therefrom are quashed qua the petitioners.

21.12.2021

Janki

(VIVEK PURI)
JUDGE

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