

NEERAJ PANGOTRA

...PETITIONER

VERSUS

STATE OF PUNJAB AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dinesh Mahajan, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. S.S. Kainth, Advocate
for respondent No.2.

VIVEK PURI,J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 35 dated 14.04.2016 under Sections 498-A/406 IPC, 1860 registered at Police Station Kanwan, District Pathankot and all the consequential proceedings arising therefrom, on the basis of compromise.

On 27.10.2021, parties were directed to appear before the Trial Court/Illaq Magistrate 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 send its report regarding genuineness and voluntary nature of the compromise.

In compliance of the order dated 27.10.2021, learned Judicial Magistrate 1st Class, Pathankot has recorded the statements of the parties and submitted its report dated 13.12.2021, the relevant para whereof reads as under:-

"I have the honour to submit the report as desired by Hon'ble High Court vide order dated 27.10.2021 of Hon'ble Punjab and Haryana High Court in CRM-M-44822-2021 as follows:-

Respectfully submitted that the Challan/Report under Section 173 Cr. P.C. has been presented on 12.09.2016. Charge under Section 498-A & 406 IPC has been framed against the accused. PW Veeran Wali is partly examined in chief on 16.10.2017. No other prosecution witness has been examined.

Statement of accused i) Neeraj Phangotra S/o Ram Saran Phangotra R/o Mahavir Colony Opposite P.B Hospital, Near Rice factory, Gohana Road, Rohtak Haryana has suffered statement that FIR No. 35 dated 14.04.2016 U/S 498A, 406 IPC PS Kanwan was got registered against him by the complainant Veeran Wali D/o Ravi Kumar R/o Shiv Niwas G.T. Road, Sarna Nehar, Pathankot. Now with the intervention of respectable and relatives the matter has been compromised between him and complainant Veeran Wali. The petition U/s 13 B of Hindu Marriage Act has also been filed by both of them in which the statement of first motion has also been got recorded in the Court of Sh. Pritpal Singh, learned Principal Judge Family Court, Pathankot. The compromise has been executed voluntarily with his free will and without any question. The photostate copy of the compromise is EX A which bears signatures of both of them. No Proclaimed offender proceeding is pending against him.

Complainant Veeran Wali W/o Neeraj Phangotra D/o Ravi Kumar R/o Shiv Niwas, G.T. Road, Sarna Nehar, Tehsil and District Pathankot has also appeared in the court and made a statement that FIR No. 35 dated 14.04.2016 U/S 498A, 406 IPC PS Kanwan was got registered against Neeraj Phangotra S/o Ram Saran Phangotra R/o Mahavir Colony Opposite P.B. Hospital, Near Rice Factory, Gohana Road, Rohtak Haryana on her complaint. Now with the intervention of respectable and relatives the matter has been compromised between him and the Accused Neeraj Phangotra. The petition U/s 13B of Hindu Marriage Act has also been filed by both of them in which the statement of first motion has also been got

recorded in the court of Sh. Pritpal Singh, learned Principal Judge Family Court, Pathankot. The compromise has been executed voluntarily with her free will and without any question. The photostate copy of the compromise is EX A1 which bears signatures of both of them. She has no objection if the aforesaid FIR is quashed by the Hon'ble Punjab and Haryana High Court, Chandigarh. No Proclaimed offender proceeding is pending against her.

Both the parties have been identified by their respective counsels.

Further ASI Ram Lal, No. 1297/PTK, PS Sadar, Pathankot has also appeared in the Court and suffered statement that the present FIR No. 35 dated 14.04.2016 U/S 498-A, 406 IPC is registered in Police Division, PS Sadar, Pathankot. He is the investigating officer in this case. There is no PO proceedings are pending against any of the party till today in their police station.

Now the complainant Veeran Kumari and the above named accused have entered into compromise, as such complainant as well as accused are the party to the compromise in question and the said compromise is genuine, voluntary and without undue influence. Further no PO proceedings are pending against any of the party.

From the statements of parties, it appears that parties have effected compromise with each other voluntarily and without any pressure or coercion.”

Learned counsel for the petitioner states that the matter has been amicably settled between the parties. The parties have also instituted a petition under Section 13-B of Hindu Marriage Act, 1955 for dissolution of marriage by mutual consent, wherein the statements of the parties at the stage of first motion have already been recorded.

After hearing the 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. The compromise is without any pressure and 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***.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 35 dated 14.04.2016 under Sections 498-A/406 IPC, 1860 registered at Police Station Kanwan, District Pathankot and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

21.12.2021
renubala

(VIVEK PURI)
JUDGE

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