

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

CRM-M-4900-2021 (O&M)
Date of Decision: April 28, 2022

Ravinder Ghotra and others *Petitioners*

Versus

State of Haryana and another ... *Respondents*

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jagdish Manchanda, Advocate,
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Gurpreet Jayia, Advocate,
for respondent No.2.

Vivek Puri, J.

Petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure invoking its inherent jurisdiction for quashing of FIR No. 0094, dated 19.02.2020, under Sections 323, 34, 354, 498A, 506 IPC, registered at Police Station Pehowa, District Kurukshetra, as well as, subsequent proceedings arising therefrom, on the basis of the compromise dated 10.12.2020 (Annexure P/2).

On 24.02.2021, notice of motion was issued and the directions were issued to the parties to appear before the concerned trial Court/Duty Magistrate and get their

statements recorded with regard to the compromise arrived at between the parties.

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.

At the earlier instance, the statements of two accused persons and the victim were recorded on 19.03.2021 and the requisite report was sent as following:-

“(i) The statements of all the concerned parties have been recorded and they have categorically stated that the compromise (Annexure A) is genuine, voluntary and without any coercion or undue influence.

(ii) Accused Kamaljeet Kaur and Onkar Singh are on police bail in present case. Accused Ravinder Ghotra has not been arrested till date in present case. He has also not appeared before the Court to get recorded his statement in pursuance of order dated 24.02.2021 passed by Hon 'hle Punjab & Haryana High Court in CRM No. 5482 of 2021 in CRM-M-4900-2021, titled as Ravinder Ghotra and others versus State of Haryana and another'.

iii) As per the statements of the parties and I.O. no other case pending against them.”

The report was indicative of the fact that the petitioner no.1 – Ravinder Ghotra had not appeared before the trial Court to get his statement recorded. Even the statement of respondent no.2 indicates that she has effected the compromise with petitioner nos. 2 and 3.

Thereafter, the petitioner no.1 and the respondent no.2 were again relegated to the learned trial Court for recording their statements. It was further directed that the statement of petitioner no.1 be recorded either through attorney or through virtual mode as he was residing abroad.

Further, the report has been received from the learned Sub Divisional Judicial Magistrate, Pehowa and the relevant portion whereof is reproduced herein below:-

“(i) Six persons were arrayed as accused in the present FIR, out of which, Paramjeet Kaur, Saravjeet Kaur and Harjinder Singh were found innocent during investigation, LOC against accused Ravinder Ghotra was got issued and accused Kamaljeet Kaur and Aunkar Singh are facing trial before the Court.

ii) None of the accused is declared proclaimed person in present case.

(iii) The compromise appears to be genuine and voluntary.

(iv) No other criminal case is registered against the accused persons as per statement dated 12.04.2022 of ASI Saroj Bala.

(v) None of the accused is declared proclaimed person in present case.

(vi) Statement of Investigating Officer ASI Saroj Bala has been recorded on 12.04.2022 and as per her statement Amanpreet Kaur is the complainant/victim in present FIR.”

The respondent no.2 had made a categorical statement that compromise has been effected with all the petitioners.

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise dated 10.12.2020 (Annexure P/2). The marriage between the petitioner no.1 and the respondent no.2 has been dissolved by a decree of divorce by mutual consent. The lumpsum amount on account of permanent alimony has also been paid to the respondent no.2. No other case is pending between the parties.

Learned counsel for the respondent no.2 states that he has no objection, if FIR is quashed.

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 of the Code of Criminal Procedure, 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.

The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, the matrimonial dispute has been sought

to be amicably settled. Consequently, a deserving case is made out where the Court should exercise the power to secure the ends of justice.

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. 0094, dated 19.02.2020, under Sections 323, 34, 354, 498A, 506 IPC, registered at Police Station Pehowa, District Kurukshetra and all consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

April 28, 2022
vkd

[Vivek Puri]
Judge

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