

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

CRM-M-5362-2020 (O&M)

Date of Decision: 02.03.2022

VINAY GARG

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Akshay Bansal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

None for respondent No.2.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

CRM-34782-2021

This is an application seeking preponement of the main case.

Learned counsel for the petitioner contends that the main case
is listed for today and the application has been rendered infructuous.

Dismissed as having been rendered infructuous.

Main case

Present petition under Section 482 Cr.P.C. is for quashing of
FIR No. 59 dated 03.06.2019 under Section 498-A IPC registered at Police
Station Khanauri, District Sangrur and all the consequential proceedings
arising therefrom, on the basis of compromise (Annexure P-2).

As per the office report, notice issued to respondent No.2 has
been served upon the father of respondent No.2 but none has joined the

proceedings on her behalf.

On 06.02.2020 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 send its report regarding genuineness of the compromise.

In compliance of the order dated 06.02.2020, learned Sub Divisional Judicial Magistrate, Moonak has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“In reference to subject cited and reference to order dated 06.02.2020, passed by Hon'ble High Court, I have the honour to submit that as per direction of Hon'ble High Court, complainant Shivani Gupta wife of Vinay Garg r/o Cheeka Now daughter of Krishna Lal, resident of New Anaj Mandi, Khanauri and statement of accused namely Vinay Garg son of Krishan Ram, r/o Cheeka, Tehsil Cheeka, District Kaithal have been recorded. As a token of their identities, copies of Aadhar cards have been obtained. They have stated that they have entered into compromise which is voluntary, with the consent, without any threat, influence or fear. Investigating officer SI Satnam Singh 451/PTL, Posted at KS Khanauri has appeared and stated that there is one accused namely Vinay Garg son of Krishan Ram, r/o Cheeka, Tehsil Cheeka, District Kaithal in this FIR. Accused of this case has not been declared proclaimed offender. He has also stated that he does not have any knowledge about the compromise between the parties. No other case or proceedings is pending against the accused/petitioners. There is one complainant namely Shivani Gupta wife of Vinay Garg R/o Cheeka Now daughter of Krishna Lal, resident of New Anaj Mandi, Khanauri.

It is submitted that after recording all these statements, the Report as called from this Court is being submitted as under :

- (1) There is only one accused arrayed as accused in this FIR namely Vinay Garg son of Krishan Ram, r/o Cheeka, Tehsil Cheeka, District Kaithal.
- (2) The accused of this case has not been declared Proclaimed Offender.
- (3) The compromise appears to be genuine and Voluntary and without any coercion or undue

influence.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties in terms of the compromise, Annexure P-2. The marriage between the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent and thereafter, the respondent No.2 has solemnized another marriage. Respondent No.2 was served through her father but he has chosen not to put appearance in this Court. However, her statement recorded before the learned Sub Divisional Judicial Magistrate, Moonak on 06.03.2020 is indicative of the fact that the compromise has been entered into by her of her free will, without any pressure, coercion and undue influence.

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***.

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.

Accordingly, the present petition is allowed and FIR No. 59 dated 03.06.2019 under Section 498-A IPC registered at Police Station Khanauri, District Sangrur and all the consequential proceedings arising therefrom are quashed qua the petitioner.

02.03.2022

Janki

**(VIVEK PURI)
JUDGE**

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