

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10988-2020
Date of Decision: 19.04.2022

TUSHAR JAIN AND ANOTHER ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohit Thakur, Advocate for the petitioners.
Mr. Vikas Bhardwaj, AAG Haryana.
Mr. R.K.Rana, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.19 dated 19.01.2020 registered under Sections 323, 34, 406, 498-A, 506, 313 Indian Penal Code at Police Station Women, NIT Faridabad, District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 22.02.2021 the 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 22.02.2021, learned Judicial Magistrate First Class, Faridabad has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“In compliance of the order dated 22.2.2021 passed by the Hon'ble High Court of Punjab & Haryana in CRM-M-10988-2020, the point wise submissions to the queries are submitted hereinunder:-

Query No. 1:- Whether the compromise is genuine, voluntarily and without any coercion or undue influence?

Submission: Apropos of this query, with profound deference, I may take the liberty of submitting that on being individually enquired by the undersigned about the voluntary nature of the compromise, the accused/petitioners-Tushar Jain and Subhash Jain and the complainant-Ms. Bhawna Jain have candidly stated that the matter has been amicably settled between them without any contaminating influence exercised by any one, and it was only after getting satisfied about its voluntary nature, the statements of the parties were recorded and compromise Ex.C1 is placed on record (the original copies of the same are attached herewith for the kind perusal).

Query No. 2:- Whether all the accused/petitioners are appearing before the Court or are on bail?

Submission:- The perusal of the case file shows that both the accused/petitioners namely Tushar Jain and Subhash Jain are on bail and have been appearing in the present case bearing FIR No.19 dated 19.01.2020 under Section 498-A, 406, 323, 506, 34 IPC, P.S.Women NIT Faridabad;

Query no.3:- Whether any other proceeding is pending?

Submission- As per the statement of Investigating Officer, no other case is pending against the accused/petitioners namely-Tushar Jain and Subhash Jain.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties in terms of Memorandum of Understanding, Annexure P-3. The offence under Section 313 IPC has been deleted during the course of investigation. The petitioner No.1 and respondent No. 2 are happily residing together in the matrimonial house and no other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

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-3). 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.

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*.

Accordingly, the present petition is allowed and FIR No. 19 dated 19.01.2020 registered under Sections 323, 34, 406, 498-A, 506, 313 Indian Penal Code at Police Station Women, NIT Faridabad, District Faridabad and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

19.04.2022

Janki

**(VIVEK PURI)
JUDGE**

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