

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16372-2022

Date of Decision: 16.08.2022.

GAURAV VIJAN AND ORS

... PETITIONERS

VS.

STATE OF PUNJAB AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Pankaj Bali, Advocate
for the petitioners.

Mr. Karanbir Singh, AAG, Punjab

Mr. Ankit Aggarwal, Advocate for
Mr. Parveen Sharma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.66 dated 30.03.2021 under Sections 406/498-A/506/120-B IPC registered at Police Station City-II, Khanna and all the subsequent proceedings arising therefrom on the basis of compromise.

On 21.04.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 21.04.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Khanna has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(1) As per the statement of ASI Jagdev Singh No.514/Khanna, posted at P.S. City-2 Khanna and record of the case, in the present case, only three persons namely Gaurav Vijan, Asha Vijan and Sonam Lakhani have been

arraigned as accused.

(2) As per the statement of ASI Jagdev Singh No.514/Khanna, posted at P.S.City-2 Khanna and record of the case, in the present case, accused persons namely Gaurav Vijan, Asha Vijan and Sonam Lakhani are not proclaimed offenders.

(3) In the opinion of the undersigned, the parties have voluntarily, without any pressure or coercion or undue influence, and out of their free will and consent have entered into the compromise between themselves and have settled the matter amicably and the said compromise on the face of it seems to be voluntary, genuine and true. The dispute between the parties was matrimonial dispute and there is nothing on the file to suspect the compromise between the parties. Complainant Roohi Handa and accused Gaurav Vijan have only suffered statements before the undersigned after getting their statements recorded in second motion proceedings before the learned Family Court in petition under Section 13-B of HMA.

(4) As per the statement of ASI Jagdev Singh No.514/Khanna, posted at P.S.City-2 Khanna and record of the case, in the present case, accused persons namely Gaurav Vijan, Asha Vijan and Sonam Lakhani are not involved in any other criminal case.

(5) As per the statement of ASI Jagdev Singh No.514/Khanna, posted at P.S.City-2 Khanna and record of the case, in the present case, there is only one complainant/victim namely Roohi daughter of Anil Handa. ”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms

of compromise contained at Annexure P-2. The marriage of petitioner No.1 was solemnized with respondent No.2 on 17.02.2020 but no child has been born from the wedlock. The marriage of petitioner No.1 and respondent No.2 has been dissolved by mutual consent under Section 13-B of the Hindu Marriage Act in terms of judgment and decree dated 05.08.2022 passed by the Family Court, Ludhiana, Camp at Khanna. A sum of Rs.9 lakh has been paid to respondent No.2 on account of permanent alimony. She has also received all her articles of *istridhan* and no case is pending between the parties.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. 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.66 dated 30.03.2021 under Sections 406/498-A/506/120-B IPC registered at Police Station City-II, Khanna and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

16.08.2022

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(VIVEK PURI)**JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No