

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18637-2022
Date of Decision: 06.09.2022

ARUN KUMAR SONDHI AND OTHERS ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajiv Kumar Trikha, Advocate for the petitioners.

Mr. Karan Garg, AAG Haryana.

Ms. Sumanjit Kaur, 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. 13, dated 08.02.2020 under Sections 323, 34, 406, 498-A, 506 of the Indian Penal Code registered at Police Station Women, Panchkula and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 04.05.2022, 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 04.05.2022, learned Judicial Magistrate 1st Class, Panchkula has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ASI Renu, No. 48/PKL, PS Women appeared before the court and suffered a statement to the effect that she is the Investigating Officer of FIR No. 13, dated 08.02.2020 under Sections 323, 406, 498-A, 506, 34 of IPC, PS Women, Panchkula. The FIR was registered against four accused namely Anuj Sondhi, Arun Sondhi, Neelam Sondhi and Shilpa Sondhi. However, the matter has been compromised between the parties. Till today, charge-sheet has not been filed before the court. As per her knowledge, no other criminal case has been registered against accused and no accused has been declared proclaimed offender.

I have questioned the parties and they have stated that they have compromised the matter with free consent and without any coercion and undue influence.

In light of the on oath statements of the parties and personal hearing given to them by the court as well as the statement of Investigating officer, the report is submitted that besides the accused (petitioners) mentioned in the petition, there is no other accused in the FIR. One FIR bearing no. 2 dated 02.01.2022 P.S. Chandimandir, U/s 170, 171, 384, 406, 419, 420, 506 of IPC has been registered against the accused Arun Kumar Sondhi only wherein the accused Arun Kumar Sondhi has been granted anticipatory bail by Hon'ble Punjab & Haryana High Court. Except the above said case none of the accused is not involved or declared proclaimed offender in any other criminal case. ”

Learned counsel for the petitioners contend that the marriage of petitioner No.3 was solemnized with respondent No.2 on 29.01.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.3 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 11.02.2022 passed by the Court of learned Principal Judge, Family Court, Panchkula. A sum of Rs. 21 Lakhs has been paid on account of permanent alimony to respondent No.2. No other case is pending between the parties.

It has been further stated that an FIR bearing No. 02 dated 02.01.2022 under Sections 170, 171, 384, 406, 419, 420 and 506 IPC has been registered against petitioner No.1 at Police Station Chandimandir but he has been granted anticipatory bail by this Court.

Learned State counsel was also asked to furnish the status report in the matter.

Learned State counsel, on instructions from SI Devidyal submits that in pursuance of the amicable settlement, an untraced report has been prepared but the same has not been submitted before the learned Illaqa Magistrate.

Learned counsel for respondent No.2 has acknowledged the aforesaid factual aspects of the case and has stated that she 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-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.

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. 13, dated 08.02.2020 under Sections 323, 34, 406, 498-A, 506 of the Indian Penal Code registered at Police Station Women, Panchkula and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

06.09.2022

Janki

(VIVEK PURI)
JUDGE

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