

**CRM No.5662 of 2022 in/and
CRM-M-31682 of 2020**

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CRM No.5662 of 2022 in/and
CRM-M-31682 of 2020
Date of decision:28.02.2022**

Pankaj Bansal and others

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ajeet Pal Singh Pakka, Advocate
for the petitioners.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Deshpreet Singh, Advocate for
Mr. Naveen Kumar Tundwal, Advocate
for respondent No.2-complainant.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

CRM No.5662 of 2022

Prayer in the application is for preponement of hearing of the
main petition, which is fixed for 08.04.2022.

For the reasons given in the application, it is allowed.

Hearing of the main case is preponed from 08.04.2022 to today
and is ordered to be taken up on Board.

CRM-M-31682 of 2020

Instant petition has been filed under Section 482 Cr.P.C seeking quashing of FIR No.20 dated 07.05.2019 registered under Sections 498-A, 406, 323 and 506 of Indian Penal Code, 1860 at Police Station Women, Bathinda, (Annexure P-1) alongwith all consequential proceedings arising therefrom, on the basis of compromise deed dated 08.06.2020 (Annexure P-2) arrived at between the parties.

Counsel for the petitioners submits that petitioner No.1 is the husband, petitioners No.2 and 3 are the in-laws of the complainant-respondent No.2. He submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 12.05.2018 and there is no issue out of the wedlock, but due to temperamental differences, they could not pull along and have been separate in residence since 31.12.2018. He submits that dispute between the parties has been settled by compromise (Annexure P-2), the marriage has been dissolved, vide judgment dated 13.08.2020 (Annexure A-2) by mutual consent and the petitioners have paid entire permanent alimony of Rs.22.50 lacs to the complainant-respondent No.2. He submits that the parties, except petitioner No.2, who has expired, have recorded their statements in support of the compromise pursuant to order passed by this Court.

Upon instructions from ASI Tasvir Singh, State counsel submits that the investigation has been completed and the challan has been presented but charge has not been framed.

Counsel appearing on behalf of the complainant-respondent No.2 has admitted factum of compromise as well as statement made by counsel for the petitioners.

Heard counsel for the parties.

Vide order dated 16.10.2020, this Court directed the parties to appear before the Trial Court to get their statements recorded and a report was called for on the following counts:-

- “1. the number of accused arraigned in the FIR and how many have appeared before it and have made statements and whether any accused is absconding/P.O. in the case;*
- 2. the name of the complainant and injured/aggrieved and whether all of them have appeared and made their statements in support of the compromise;*
- 3. the stage of trial/proceedings;*
- 4. if the compromise is genuine, voluntary and out of free will of the parties.*
- 5. whether any other criminal case is pending against the accused.”*

Report has been received and its relevant extract reads as under:-

- “1. There are three accused namely Pankaj Bansal, Mohinderpal Bansal and Sunita Devi (accused Mohinderpal Singh (has) since died as per the affidavit of Pankaj Bansal). Two accused Pankaj Bansal and Sunita Devi appeared before the Court and suffered statement regarding compromise. No person/accused has been declared proclaimed offender.*

2. *There is one complainant namely Neha Goyal and she appeared before the Court and made statement with regard to compromise with the accused.*
3. *Challan has not been presented in the present FIR No.20 dated 07.05.2019, under Sections 498-A, 406, 323, 506 of Indian Penal Code, 1860 Police State Women Cell, Bathinda.*
4. *In view of statements given by the parties this Court is of the considered opinion that compromise effected between parties is genuine and it is effected voluntarily without any pressure, coercion or undue influence from any quarter.*
5. *Statement of ASI Tasvir Singh, investigating officer recorded separately and as per his statement, no other criminal case is pending against the parties.”*

Supreme Court in ***Gian Singh Versus State of Punjab and another***, 2012(4) RCR (Criminal) 543 has held that the High Court has wide power under Section 482 of the Code of Criminal Procedure to quash an FIR or complaint having predominantly civil flavour or involving matrimonial offences and family disputes wherein the wrong is basically private or personal in nature and the parties have resolved their entire dispute. Apex Court in ***Parbathbhai Aahir @ Parbatbhai Bhimsinhbhai Karmur Vs. The State of Gujarat*** (2017) 9 SCC 641 has summarized broad principles on the basis of precedents and has held that inherent power of the High Court has a wide ambit and plenitude which has to be exercised

to secure the ends of justice or to prevent the abuse of process of any Court.

In Ramgopal and another Vs. State of Madhya Pradesh 2021 SCeJ 1146, Supreme Court has held that jurisdiction under Section 482 Cr.P.C is not restricted due to an embargo placed in Section 320 of the Code.

Considering the fact that FIR is an outcome of matrimonial dispute between the parties, which has been settled and the parties have decided to bury hatchet, this Court is of the view that no purpose will be served in continuing with the criminal proceedings and the same deserve to be quashed.

Accordingly, petition is dismissed as infructuous qua petitioner No.2 and allowed insofar as other petitioners are concerned. FIR No.20 dated 07.05.2019 registered under Sections 498-A, 406, 323 and 506 of Indian Penal Code, 1860 at Police Station Women, Bathinda, (Annexure P-1) and all the consequent proceedings arising therefrom, are quashed qua petitioners No.1 and 3.

February 28, 2022
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes