

258 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27020-2021
Date of Decision: 05.04.2022

NIPUN KHURANA AND OTHERS ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Tarun Dhingra, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Aakash Juneja, 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. 465 dated 02.09.2017 under Sections 323, 406, 498-A IPC, Police Station Thanesar Sadar, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 16.07.2021 notice of motion was issued and on 16.11.2021, 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 16.11.2021, learned Judicial Magistrate First Class, Kurukshetra has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as

under:-

“In abovementioned CRM-M-11897-2021 titled: Nipun Khurana and others versus State of Haryana & Anr, Hon'ble High Court was pleased to pass an order dated 16.11.2021 for recording the statement of the parties with regard to compromise among them and to send the report specifying the following:

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; (there is one accused Nipun Khurana arraigned in the present FIR and the other persons have been found innocent. Accused Nipun Khurana appeared before the Court for statement. No accused is P.O. in the present 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; (the complainant is Mamta Khurana and she alongwith her mother has appeared before the court for statement).

3. the stage of trial/proceedings; (Prosecution evidence).

4. if the compromise is genuine, voluntary and out of free will of the parties. (the court is satisfied that the compromise is genuine, voluntary and out of free will of the parties).

5. whether any other criminal case is pending against the accused. (No). ”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner No. 1 and respondent No. 2 are residing happily together.

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-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. 465 dated 02.09.2017 registered under Sections 323, 406, 498-A IPC at Police Station Thanesar Sadar, District Kurukshetra and all the consequential proceedings arising therefrom are quashed qua the petitioners.

05.04.2022

Janki

**(VIVEK PURI)
JUDGE**

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