

297 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27516-2022
Date of Decision: 12.10.2022

NARINDER SINGH DALAL AND OTHERS ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Munish Kumar Garg, Advocate for the petitioners.

Mr. Karan Garg, AAG Haryana.

Mr. Ashish Pundir, Advocate for
Mr. Vikas Mehra, 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. 84 dated 28.04.2022, under sections 120-B, 313, 323, 377, 406, 498-A, 506 IPC registered at Police Station Sector 20, District Panchkula and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-4).

On 02.08.2022, 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 02.08.2022, learned Judicial Magistrate Ist Class, Panchkula has recorded the statements of the parties

and submitted the report, the relevant portion whereof reads as under:-

“1. As per statement of parties present and the report of Investigating Officer, there are seven persons arrayed as accused in this FIR.

2. With regard to the point as to whether the accused have been declared proclaimed offender, it is submitted that the facts and circumstances of the present case and the report of investigating officer signify that they have not been declared Proclaimed Person or Proclaimed Offender by any court of law in any other case.

3. This court is convinced that the compromise between the complainant and the accused is genuine and voluntary as it is not the result of any undue influence or pressure in any manner and is out of their free will. The complainant and the accused have maintained uniformity in regard to the validity of compromise.

4. With regard to the point as to whether the accused persons are involved in any other case, it is submitted that as per the report of Investigating Officer, no other criminal case is pending against the accused persons except the present one.

5. As per the report of Investigating Officer, there is only one complainant/victim namely Karamjeet Dalal in the present FIR. ”

Learned counsel for the petitioners contend that marriage of petitioner No.1 was solemnized with respondent No.2 on 27.09.2019 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the Settlement/Compromise deed, Annexure P-4. Petitioner No.1 and respondent No.2 have resumed cohabitation. Respondent No.2 along with the minor child is happily residing in the matrimonial house with petitioner No.1. 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-4). 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.84 dated 28.04.2022, under sections 120-B, 313, 323, 377, 406, 498-A, 506 IPC registered at Police Station Sector 20, District Panchkula and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

12.10.2022

Janki

(VIVEK PURI)
JUDGE

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