

**302 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-37991-2022
Date of Decision: 23.11.2022**

**ROBIN GOEL AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.S.Chauhan, Advocate for the petitioners.

Ms. Ankita Ahuja, AAG, Haryana.

Mr. Sumeet Singh Brar, 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. 265 dated 08.09.2019, under sections 323/406/498-A/506/34 IPC registered at Police Station Mahesh Nagar, District Ambala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 25.08.2022 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 25.08.2022, learned Judicial Magistrate First Class, Ambala has recorded the statements of the parties and submitted his report to the effect that the challan has been presented only against the petitioners. One of the co-accused namely Gazal Goyal

was found to be innocent during the course of trial. The petitioners have been charged in the instant case. No other case is pending against them and none of the petitioners have been declared proclaimed offender. Furthermore, after recording the statements of the parties, it has also been reported that the compromise effected between the parties is voluntary, without any coercion, undue influence, pressure etc. from any side.

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 18.02.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-3. The petitioner No.1 and respondent No.2 have resumed cohabitation. The respondent No.2 is happily residing with petitioner No.1 in the matrimonial house.

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-3). 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. 265 dated 08.09.2019, under sections 323/406/498-A/506/34 IPC registered at Police Station Mahesh Nagar, District Ambala and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

23.11.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No