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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44012-2022

Date of Decision: 30.11.2022

NEERAJ GERA AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.S.Sidhu, Advocate for the petitioners.
Mr. Karan Garg, AAG Haryana.
Mr. Amandeep Singh, 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.46 dated 05.06.2020, under sections 323, 406, 498-A IPC registered at Police Station Women, District Ambala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 22.09.2022, 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 22.09.2022, learned Judicial Magistrate Ist Class, Ambala has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

(i)	Number of persons arraigned as accused in FIR.	As per the statement of IO SI/Surinder Kaur in the present case, there were four accused persons namely Neeraj Gera, Subhash Gera, Sonia Gera and Ritu Bhateja who were named in the present FIR, however, only two accused persons namely Sonia Gera and Neeraj Gera have been challaned
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		in this case, whereas, accused persons namely Shubhash Gera and Ritu Bhateja have not been challaned.
(ii)	Whether any accused is a proclaimed offender.	As per the statement of IO SI/Surinder Kaur, accused persons Neeraj Gera and Sonia Gera have not been declared proclaimed offender/person in this case.
(iii)	Whether the compromise is genuine, voluntary and without any coercion or undue influence.	Both the parties have admitted that the compromise has been entered into by them with each other without any pressure and it appears to be genuine and valid. I am satisfied that the compromise have been arrived at with the free consent of the parties and without any undue influence or coercion from any side.
(iv)	Whether the accused persons are involved in any other case or not.	As per statement of IO SI/Surinder Kaur, accused persons Neeraj Gera and Sonia Gera are not involved in any other case.
(v)	How many victims/complainants are there in the FIR.	As per the statement of IO SI/Surinder Kaur, there is only one victim/complainant i.e. Smt. Lalita Gera in the present FIR.

Learned counsel for the petitioners contends that the marriage of petitioner No.1 was solemnized with respondent No.2 on 05.02.2018 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed/Settlement deed, Annexure P-2. The petitioner No. 1 and respondent No.2 have resumed cohabitation. Respondent No.2 is happily residing with the minor daughter in the matrimonial home with petitioner No.1. Respondent No.2 has withdrawn the petition under Section 12 of Protection of Women from Domestic Violence Act. 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-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.46 dated 05.06.2020, under sections 323, 406, 498-A IPC registered at Police Station Women, District Ambala and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

30.11.2022

Janki

(VIVEK PURI)
JUDGE

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