

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-50224-2021

Date of Decision: 02.03.2022

AJAY JANGRAL

... PETITIONERS

VS.

STATE OF PUNJAB AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ravi Malhotra, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Anil Kumar Spehia, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.12 dated 31.01.2021 under Sections 498-A and 406 IPC registered at Police Station Women Cell, District Jalandhar on the basis of compromise dated 25.11.2021 (Annexure P-2).

On 01.12.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 01.12.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jalandhar has sent the report and the same is reproduced here-in-below:-

“Most respectfully, this is reference to the subject cited above complainant Renu aged about 36 years d/o Mohan Lal r/o 58, Kamal Vihar near Bashirpura, Jalandhar and accused namely Ajay Jangral aged about 37 years son of Pradeep Jangral r/o 674, Grover Colony, Dilbagh Nagar Extension, Jalandhar together

came present in the Court for recording their statements in order to confirm genuineness of the compromise. They produced copy of the above said order passed by Honourable High Court passed in CRM-M-50224 of 2021 in case tiled as 'Ajay Jangral Vs. State of Punjab and Anr.' On joint request of the counsels for the parties, the time was fixed for recording the statements of the parties. On 23.12.2021 complainant and accused appeared in the Court in compliance of the above said order passed by Honourable High Court. The complainant has also suffered statement that she has compromised the matter with accused. She and accused party will remain peacefully in the future as per compromise affected between them. She has compromised with the accused party, without any threat, inducement or any kind of pressure. Now there is no grudge against the accused party. She want to live peacefully in the society in future. She does not want to take any action against the accused in the present case. She has got no objection, if the present FIR against the above mentioned accused be quashed by the Hon'ble High Court of Punjab and Haryana at Chandigarh. The present compromise has been taken place with the free consent and without any pressure. There is no other person as accused involved in the occurrence given in the FIR. None of the accused have been declared P.O. in this case. Similarly, accused has also suffered statement to the effect that he has compromised with the complainant and undertake to make statement in the aforesaid petitions in favour of complainant.

The parties were present with their counsel and got recorded their statements in respect to the compromise taken place between them. All the parties are duly identified by their counsels.

Investigation Officer of this case namely, SI

Palwinder Singh No.1139/Jal also appeared in the court and suffered statement that as per record, there is only one complainant in this case namely, Renu.

AS per record the name of the complainant of the present case is Renu and except her there is no other complainant in this FIR. The name of the accused is Ajay Jangral. Except him, there is no other person nominated by the police as accused. Both parties appeared in the court and suffered statement regarding compromise. At present, the case is pending for evidence of prosecution.

Both parties have compromised the matter. There is no grudge remain between parties. The compromise is voluntarily, without any pressure or coercion. This court is of the considered opinion that the compromise has been effected between the complainant and accused and same is voluntary, without any pressure or coercion and is genuine one.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled in terms of compromise dated 25.11.2021 (Annexure P-2) and the petitioner and respondent No.2 have preferred a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent, wherein, their statements at the stage of first motion have already been recorded.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has stated that he has no objection if the 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. The compromise is without any pressure and 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*.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No.12 dated 31.01.2021 under Sections 498-A and 406 IPC registered at Police Station Women Cell, District Jalandhar and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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Resultantly, with the above-said observations made, the instant petition stands allowed.

02.03.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No