

252 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M--51624-2021
Date of Decision: 30.03.2022

PEEYUSH VATS AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amandeep Singh Samra, Advocate for
Mr. Vikas Rohal, Advoate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Sahil Matharoo, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Reply has been taken on record.

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 014 dated 08.06.2017 under Sections 323, 377, 498-A, 406, 506 of the IPC, registered at Police Station Quilla Panipat and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 10.12.2021 notice of motion was issued and 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 10.12.2021, learned Judicial Magistrate First Class, Panipat has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“The specific report on the requisite points is as under:-

Point (1): Whether the compromise so arrived at between the parties is genuine, without any kind of undue influence or pressure.

Report: Yes.

Point (2): Whether there is any other person involved in the occurrence, who is not a party to the present petition and whose consent for the compromise would be required, if this Court comes to the conclusion that the FIR sought to be quashed can be so quashed.

Report: No other person (except complainant Kanika Sharma).

Point (3): A Gazetted Officer to file an affidavit stating therein whether there are any other criminal case registered against the petitioners, of like nature or otherwise.

Report: The Deputy Superintendent of Police, Panipat (being Gazetted officer) has filed an affidavit stating therein that no other criminal case is pending or registered against any of the accused. No accused is proclaimed offender.

As per report of SHO Quilla (Panipat) – No other criminal case is pending or registered against any of the accused. No accused is proclaimed offender. ”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act. The entire amount of permanent alimony has been paid to respondent No.2. She has withdrawn the petition under Section 125 Cr.P.C. and complaint instituted by her under Protection of Women from Domestic Violence Act.

Learned counsel for respondent No.2 has not disputed the aforesaid aspect of the case 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. 014 dated 08.06.2017 under Sections 323, 377, 498-A, 406, 506 of the IPC, registered at Police Station Quilla Panipat and all the consequential proceedings arising therefrom are quashed qua the petitioners.

30.03.2022

Janki

**(VIVEK PURI)
JUDGE**

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