

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

233

CRM-M-48582 of 2022
Date of decision:22.12.2022

Pankaj Khanna and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Saurav Kanojia, Advocate
for the petitioners.

Mr. Viney Phogat, DAG, Haryana.

Mr. Lakshay Bector, Advocate for
Ms. Tanvi Dhull, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 for quashing of FIR No.0398 dated 26.07.2016 registered for offences under Sections 323, 498-A, 506 of Indian Penal Code, 1860, at Police Station Civil Lines Gurgaon, District Gurugram (Annexure P-1), alongwith all subsequent proceedings arising therefrom, on the basis of compromise dated 07.10.2022 (Annexure P-2).

At the outset, counsel for the petitioners submits that in view of the report of Trial Court, he may be permitted to withdraw the petition insofar as petitioner No.2 is concerned.

Permission is granted.

Petition is dismissed as withdrawn qua petitioner No.2.

Counsel for the petitioners submits that marriage of petitioner No.1 was solemnized with the complainant-respondent No.2 on 24.02.2008 at Chandigarh. He submits that FIR has arisen out of a petty matrimonial dispute, which has been settled by compromise, Annexure P-2 and the parties are living together.

Upon instructions, State counsel submits that prosecution evidence is being recorded.

Counsel representing the complainant-respondent No.2 has admitted the factum of settlement and supported the prayer made in the petition.

Heard counsel for the parties.

Vide order dated 22.11.2022, this Court directed the parties to appear before the Trial Court/Area Magistrate for getting their statements recorded and a report was called for, which has been received and its relevant extract is as under:-

“i) As per the statements of the parties, the compromise effected between the parties is genuine and voluntary in nature;

ii) As per the record and statement of Investigating Officer, two accused namely 1. Pankaj Khanna son of Sh. Ashok Kumar Khanna, resident of House No.3119/1, Sector 20-B, Chandigarh & 2. Asha Rani wife of Ashok Kumar Khanna,

resident of House No.3119/1, Sector 20-B, Chandigarh were arrayed as accused. However, the accused namely Asha Rani wife of Ashok Kumar, resident of House No.3119/1, Sector 20-B, Chandigarh was discharged in the present FIR during the investigation and accused Pankaj Khanna is on bail in the present case;

iii) As per the record and statement of accused persons, no other proceedings is pending against them;

iv) As per record/statement of Investigating Officer, none of the above said accused is declared proclaimed offender.”

From the submissions made by counsel for the parties, it is apparent that FIR (Annexure P-1) is a result of trivial dispute between a married couple, which has been amicably settled and petitioner No.1 and respondent No.2 are living together at their matrimonial home.

In view of the above development, report of the Trial Court and judgment of Supreme Court in **Parbatbhai Aahir alias Parbatbhai Bhimsinhbhai Karmur and others Versus State of Gujarat and another (2017) 9 SCC 641** , this Court is of the opinion that this is a fit case for exercising inherent power under Section 482 Cr.P.C and for quashing the criminal proceedings.

Accordingly, the petition is allowed. FIR No.0398 dated 26.07.2016 (Annexure P-1) registered for offences under Sections 323, 498-A, 506 of Indian Penal Code, 1860, at Police Station Civil Lines Gurgaon,

District Gurugram and all subsequent proceedings arising therefrom, are
quashed qua petitioner No.1.

December 22, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>