

285 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-53939-2021
Date of Decision: 22.09.2022

NEETU GUPTA @ NEETU TAK ... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vikash Garg, Advocate for
Mr. Jaivir Chandail, Advocate for the petitioner.

Mr. Chetan Sharma, AAG Haryana.

Ms. Preeti Aggarwal, 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. 124 dated 10.08.2018, under sections 363/506/511 IPC registered at Police Station Sector 20, Panchkula and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

Briefly, the FIR has been registered on the allegations that the petitioner is ex-wife of respondent No.2. They are having 2 children from the wedlock who are in custody of respondent No.2. On 06.02.2017, the petitioner along with her brother-in-law namely Surender Mawa made an attempt to kidnap the minor child but the attempt was thwarted by an employee of respondent No.2.

On 13.07.2022, 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 13.07.2022, learned Judicial Magistrate 1st Class, Panchkula has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. As per statement of parties present and the report of Investigating Officer, there are two persons arrayed as accused in this FIR. It is pertinent to mention here that accused namely Surinder Mawa has died and proceedings qua him was dropped vide order dated 08.04.2021.

2. With regard to the point as to whether the accused has been declared proclaimed offender, it is submitted that the facts and circumstances of the present case and the report of investigating officer signify that she has not been declared Proclaimed Person or Proclaimed Offender by any court of law in any other case.

3. This court is convinced that the compromise between the complainant and the accused is genuine and voluntary as it is not the result of any undue influence or pressure in any manner and is out of their free will. The complainant and the accused have maintained uniformity in regard to the validity of compromise.

4. With regard to the point as to whether the accused persons are involved in any other case, it is submitted that as per the report of Investigating Officer, no other criminal case is pending against the accused except the present one.

5. As per the report of Investigating Officer, there is only one complainant/victim namely Yatin Gupta in the present FIR.”

Learned counsel for the petitioner contends that the aforesaid FIR is an offshoot of marital discord between the petitioner and respondent No.2. The dispute has been amicably settled between the parties in terms of compromise dated 27.08.2021, Annexure P-2. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce.

The custody of 2 minor daughters is with respondent No.2. He has also placed on record the copy of the death certificate of Surender Mawa who died on 31.05.2019.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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 offshoot of 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***.

As the co-accused namely Surender Mawa has died, the proceedings against him stand abated and the FIR No. 124 dated

10.08.2018, under sections 363/506/511 IPC registered at Police Station Sector 20, Panchkula and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

The petition is allowed

22.09.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No