

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54086-2021

Date of Decision: 02.03.2022

GAURAV KHANNA AND OTHERS ... PETITIONERS
VS.

STATE OF PUNJAB AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vivek K. Thakur, Advocate, for the petitioners.

Ms. Ruchika Sabherwal, AAG, Punjab.

Mr. Kanishk Sarup, Advocate, for
Mr. Navneet Kumar, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.20 dated 11.02.2014 under Sections 498-A and 406 IPC registered at Police Station Nangal, District Rupnagar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 23.12.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 23.12.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Nangal, District Rupnagar has sent the report. The relevant paragraph of the same is reproduced here-in-below:-

*“In compliance of dated 23.12.2021 passed by
Hon'ble High Court, report is hereby submitted in terms
of order dated 23.12.2021, as hereinafter :-*

1. that FIR No.20 dated 11.02.2014 U/S 498-A,

406 IPC PS Nangal got registered on the statement of complainant Priyanka Khanna against accused Seema Khanna and Gaurav Khanna. Later on, vide order dated 03.12.2018 for application U/S 319 Cr.P.C., accused Karan Khanna S/O Late Nihal Chand was ordered to be summoned to face trial along with accused already facing trial. Therefore, three of the accused namely Seema Khanna, Karan Khanna and Gaurav Khanna are arrayed as accused in present case.

2. that as per statement of ASI Gurnam Singh, ASI Mahinder Singh Investigating Officer as well as record none of the accused have been declared proclaimed offender.

3. that on examination of statements of both, complainant as well as accused party, the compromise effected between them appears to be bonafide, voluntary, genuine, lawful and without any kind of pressure, undue influence, coercion and fear from any side.

4. that as per the statement of ASI Gurnam Singh Belt No.364/R P.S. Nangal Distt. Rupnagar, concerned official from PS Nangal and statement of ASI Mahinder Kumar, Belt No. 699/LDHR, FIR No. 20 dated 11.02.2014 for offences U/S 498-A, 406 of IPC, PS Nangal, Distt. Rupnagar, got registered against accused Seema Khanna, Gaurav Khanna and accused Karan Khanna all residents of Bhakhra Road, Sharma Store, Nangal, PS Nangal Distt. Rupnagar. As per statement, no other case or proceedings is pending against either of the accused.

5. that as per statement of ASI Mahinder Kumar Belt No.699/LDHR, Investigating Officer, in FIR No.20 dated 11.02.2014 U/S 406, 498-A IPC, PS Nangal, there is only one complainant/victim namely Priyanka Khanna in present FIR.”

Learned counsel for the petitioners contends that the matrimonial dispute has been amicably settled between the parties. The marriage between petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of judgment and decree dated 09.02.2022.

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.20 dated 11.02.2014 under Sections 498-A and 406 IPC registered at Police Station Nangal, District Rupnagar on the basis of compromise and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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