

CRM-M-46980-2019 (O&M)

**286 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-46980-2019 (O&M)

Date of Decision: 28.07.2022

**GAGANDEEP KHOSLA AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Neelkamal, Advocate for
Mr. VPS Mithewal, Advocate for the petitioners.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. Shivender, Advocate for
Mr. Harkirat Singh Sandhu, 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. 231 dated 21.11.2018 under Sections 498-A, 406 IPC registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 04.11.2019, 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 04.11.2019, learned Sub Divisional Judicial Magistrate, Amloh has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. As per FIR No. 231 dated 21.11.2018,
under section-406,498-A IPC, Police Station Mandi

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Gobindgarh and above said statements of the complainant and accused persons, Gagandeep Khosla, Shiksha Khosla and Jain Narayan Parkash Khosla are only accused in this case and except them no other person is arrayed as accused.

2. The said accused Gagandeep Khosla, Shiksha Khosla and Jain Narayan Parkash Khosla involved in this case have not been declared as proclaimed offender.

3. Police report under Section 173 of Cr.P.C in this case is yet to be presented by the investigating agency.

4. The compromise between the parties is genuine, voluntary and without any coercion and undue influence.”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled in the Mediation and Conciliation Center of this Court in terms of the Settlement/Agreement, Annexure P-2. The marriage of petitioner No.1 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 07.07.2020 passed by the Court of learned Addl. District Judge, Fatehgarh Sahib. A sum of Rs. 9,50,000/- has been paid to respondent No.2 on account of permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact 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).

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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. 231 dated 21.11.2018 under Sections 498-A, 406 IPC registered at Police Station Gobindgarh Mandi, District Fatehgarh Sahib and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

28.07.2022

Janki

**(VIVEK PURI)
JUDGE**

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