

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-18846-2023

Date of Decision: 31.08.2023

RAGHU RAJ MAHAJAN @ RAGHU RAJ AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Munjal, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

Mr. Sunil Agnihotri, Advocate
for respondents No. 2 and 3.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 291 dated 29.11.2022 registered under Sections 346 of Indian Penal Code (Sections 364 and 120-B of IPC added later on) at Police Station Division A, District Police Commissionerate, Amritsar along with all subsequent proceedings arising therefrom on the basis of compromise.

2. Vide order dated 18.04.2023, passed by this Court, 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.

3. In compliance of the aforesaid order, report has been received from the court of Judicial Magistrate Ist Class, Amritsar and the relevant portion is reproduced hereinbelow:

“It is humbly submitted that the complainant Deepak Mahajan, victim Jyoti Mahajan, accused Raghu Ram Mahajan and accused Pawan Kumar in their

respective statements have stated on oath that the matter has been mutually compromised between them and now no grudge or enmity remains between them. I have inquired the factum of compromise from the parties present in the Court who endorsed the fact of effecting of compromise between them with their free violation. From the statements of the parties as well as other circumstances, it seems that the compromise effected between complainant Deepak Mahajan, victim Jyoti Mahajan, accused Raghu Raj Mahajan and accused Pawan Kumar is genuine and the same was effected without any threat or coercion of any person.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No. 1 was solemnized with respondent No. 3 on 23.01.2011 and two children have been born from the wedlock. In fact, the respondent No. 2 went missing from the house of her in-laws on 13.07.2022. Petitioner No. 1 had lodged general diary detail No. 23 dated 15.11.2023 (Annexure P-14) at Police Station Division A, Amritsar. Even in her statement under Section 164 of Cr.P.C., recorded on 26.02.2023, the respondent No. 2 has not imputed anything upon the petitioners. Furthermore, the dispute between the parties has been amicably settled in terms of compromise (Annexure P-4). The aforesaid FIR was got registered by respondent No. 2, who is brother of respondent No. 3 on the basis of suspicion only. Respondent No. 3 is happily residing along with the children with petitioner No. 1 in the matrimonial house.

5. Learned counsel for respondents No. 2 and 3 has not disputed the aforesaid factual aspects and has stated that he has no objection if the FIR is quashed.

6. 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.

7. The controversy in the instant case does not indicate that the same involves heinous or serious offences and furthermore, private 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.

8. For the aforesaid view, this Court finds support from ***Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052***, approved by Hon'ble Apex Court in ***Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303***.

9. Accordingly the present petition is allowed and FIR No. 291 dated 29.11.2022 registered under Sections 346 of Indian Penal Code (Sections 364 and 120-B of IPC added later on) at Police Station Division A, District Police Commissionerate, Amritsar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

31.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No