

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

274

CRM-M-28264-2023

Date of Decision: 06.11.2023

ABHINAV BANGIA AND OTHERS**... PETITIONERS****VS.****STATE OF HARYANA AND ANOTHER****.. RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present : Mr. Ankit Aggarwal, Advocate
for the petitioners.

Mr. R. K. Singla, DAG, Haryana.

Mr. Raghav Bali, Advocate for
Mr. Pankaj Bali, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash FIR No.600 dated 23.11.2022 under Sections 406, 498-A, 506, 34 IPC registered at Police Station Baldev Nagar, Ambala and all the subsequent proceedings arising therefrom on the basis of compromise.

2. On 31.05.2023, the parties were directed to get their statements recorded before the learned trial Court/Duty Magistrate.

3. In compliance of the order dated 31.05.2023 the statements of the parties have been recorded and the learned Chief Judicial Magistrate , Ambala has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In view of the statements of the parties, duly identified by their respective counsel, it appeared that the parties have entered into compromise and the said compromise has been arrived at between the parties without any kind of pressure, coercion, and at their sweet will. As such, compromise in question is found to

be a valid and genuine compromise and has been effected between the parties voluntarily without there being any kind of coercion or undue influence.

3 It is further respectfully submitted that status report of present case was called from concerned IO/ESI, P.S. Baldev Nagar, which makes it transpired that the present, FIR has been registered against accused Abhinav Bangia, Sire Satya and Surinder Bangia. It is further respectfully submitted that no accused was declared proclaimed offender/person in the present case, no other case is pending against the accused, there is no other accused in the present FIR and there is one victim/complainant in the present case”.

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 30.10.2020 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of 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 under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 31.10.2023 passed by the learned Family Court, Ambala Camp at Naraingarh. The entire claim of respondent No.2 for permanent alimony and istridhan has been settled. No other case is pending between the parties.

5. Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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, 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.

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. 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.600 dated 23.11.2022 under Sections 406, 498-A, 506, 34 IPC registered at Police Station Baldev Nagar, Ambala and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

10. Resultantly, with the above-said observations made, the instant petition stands allowed.

06.11.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No