

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-51244-2022
Date of Decision: 01.08.2023

ASHISH GOOMER ... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Shantanu Bansal, Advocate
for the petitioner.

Mr. Ram Kumar Singla, DAG, Haryana.

Mr. Sylvester Stephen, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.121 dated 06.11.2020 under Sections 323, 406, 498-A and 506 IPC, registered at Women Police Station, Ambala and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 23.02.2023, the parties were directed to get their statements recorded before the learned Illaqa/Duty Magistrate.
3. In compliance of the order dated 23.02.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ambala, has sent the report and the relevant portion whereof is reproduced here-in-below:-

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(i)	The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.	As per final report/complaint, in the present case, initially complaint has been given by the complainant against three persons, however, on
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		completion of investigation, challan in this case has been submitted only against accused person namely Ashish Goomer. Except him no other person has been challaned in this case. Accused persons namely Om Parkash and Vanita have not been challaned and their names were put in Khana No.2 of the challan. As per statement of L/ASI Naresh, accused Ashish Kumar @ Vicky has never been declared proclaimed offender in the present case and no other case is pending against the accused person.
(ii)	Whether the compromise entered between the parties is genuine, voluntarily without any coercion or undue influence.	Both the parties have admitted that the compromise Ex.C1 has been effected by them with each other without any pressure, threat or coercion and it appears to be genuine and valid. I am satisfied that the compromise have been arrived at with the free consent of the parties and without any undue influence or coercion from any side and is voluntary in nature.
(iii)	Involvement of	None as per the

	petitioner(s)/accused in any other FIR.	statement of IO.
(iv)	Status of trial pending before the Court.	The case in hand is fixed for prosecution evidence.

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4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 02.10.2006 and two daughters have been born from the wedlock. The matrimonial dispute has been amicably settled in terms of the compromise, Annexure P-2. The petitioner and respondent No.2 have resumed cohabitation. Respondent No.2 alongwith both the daughters is happily residing in the matrimonial house with the petitioner.

5. Learned counsel 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**, upheld by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**.

coupled with the reasons aforementioned and to secure the ends of justice, FIR No.121 dated 06.11.2020 under Sections 323, 406, 498-A and 506 IPC, registered at Women Police Station, Ambala and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

01.08.2023
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(VIVEK PURI)
JUDGE

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