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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.56693 of 2022(O&M)

Date of Decision: 19.10.2023

Pankaj Garg and Others

..... Petitioners

V/s.

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sansar Kundu, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, D.A.G. Haryana.

Mr. Sudershan Thakur, Advocate for respondent No.2.

Vivek Puri, J. (Oral)

1. The petitioners are seeking to quash the FIR bearing No.181 dated 17.08.2019 under Sections 323,498-A, 506, 34 IPC registered at Police Station Julana, District Jind and all the other subsequent proceedings arising therefrom, on the basis of compromise.

2. On 05.12.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

3. In compliance of the order dated 05.12.2022, the statements of the parties have been recorded and the learned Additional Chief Judicial Magistrate, Jind, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“This Court having conferred with the parties and going through the statements of the parties, is of the considered view that the matter has been compromised between the accused/ petitioners Pankaj Garg, Ram Niwas Garg and Sushila Garg and complainant/ respondent No.2 Deepti Garg, with their free will and consent and without any pressure or coercion on either

side. The compromise effected between the parties is genuine and valid.

Three accused Pankaj Garg, Ram Niwas Garg and Sushila Garg were arraigned in the FIR. Accused/ petitioners Pankaj Garg, Ram Niwas Garg and Sushila Garg have made statements before this court and none of the accused/petitioners are declared as proclaimed offender/ absconding in this case or in any other criminal case.

Complainant/ respondent No.2 Deepti Garg appeared before this Court and made her statement in support of the compromise. She is only injured/ aggrieved person in this case. The trial of the present case is fixed at the stage of prosecution evidence.

The accused/ petitioners Pankaj Garg, Ram Niwas Garg and Sushila Garg are not involved in any other criminal case.”

4. Learned counsel for the petitioners contends that the marriage of petitioner No.1 was solemnized with respondent No.2 on 29.01.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2). The marriage of the petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act, 1955 in terms of judgment and decree dated 19.04.2023 passed by the learned Family Court Jind. A sum of Rs.9.00 lakhs has been paid to respondent No.2 on account of permanent alimony. She has received all the articles of *Istridhan*. Nothing is due payable by the petitioner to the respondent No.2. No other case is pending between the parties.

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**, 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 bearing No.181 dated 17.08.2019 under Sections 323,498-A, 506, 34 IPC registered at Police Station Julana, District Jind and all the other 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.

19th October, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

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