

268 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35496-2023
DATE OF DECISION:-13.02.2024

Lakhpat Rai ...Petitioner

vs.

State of Punjab and others ...Respondents..

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ishan Gupta, Advocate and
Ms. Harika Panthey, Advocate
for the petitioner.

Mr. Davinder Bir Singh, Sr. DAG, Punjab.

Mr. Deepak Aggarwal, Advocate,
for respondents No.2 & 3.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 482 Cr.P.C., the petitioner prays for quashing of Kalandra under Section 182 Cr.P.C. registered vide DDR No.37 dated 15.03.2019, at Police Station City Sangrur (Annexure P-1) and all other subsequent proceedings arising therefrom on the basis of compromise arrived at between the parties.

2. In the present case, the parties are closely related to each other and the proceedings in question, are an offshoot of matrimonial discord between Mohit Goyal-respondent No.2 and Nancy Garg (daughter of the petitioner), who have now settled the dispute and a decree of divorce through mutual consent under Section 13-B of the Hindu Marriage Act, 1955 has already been granted.

3. In pursuance of order dated 25.07.2023 passed by this Court,

whereby parties were directed to appear before the Trial Court for getting their statements recorded as regards the veracity of compromise arrived at between them, a report dated 17.08.2023 has been received from the concerned Court, stating that the compromise effected between Dr. Mohit Goyal- respondent No.2 (husband), Rajeev Goyal-respondent No.3 (father of respondent No.2) and Lakhpai Rai-petitioner has been arrived at voluntarily and without any pressure, undue influence or coercion. No accused has been declared as proclaimed person.

4. Once, the compromise has been arrived at between the parties without any pressure and respondents No.2 & 3 having no objection as regards quashing of Kalandra as well as all other subsequent proceedings arising out of the same against the petitioner; there does not appear to be any impediment as regards quashing of present Kalandra qua the petitioner. Even otherwise, in order to maintain peace and harmony between the parties, particularly under the circumstances wherein the alleged offences have no societal interest involved, it would be appropriate to render complete quietus to the aforementioned dispute by quashing the Kalandra on the basis of compromise entered into between the parties.

5. The parties having settled their dispute so as to live in peace in future, no useful purpose would be served by proceeding further with the criminal proceedings. In the light of above developments, no cause remains for the Trial Court to invest further time and effort in adjudicating this kalandra. The compromise in question is even found to be fully in consonance with the direction issued by the Court in ***Kulwinder Singh & Ors. Vs. State of Punjab 2007(3) RCR (Criminal) 1052 and Gian Singh Vs. State of Punjab & Anr., 2012(4) RCR (Crl.) 543.***

6. Further, this Court in the case of **“Ranjit Singh vs. State of Punjab and others”** passed in **CRM-M-14301-2012**, decided on 24.07.2012, has held as under:-

“9. Reverting to the facts of the present case, this Court has satisfied itself that the compromise arrived at between the parties is a genuine one without any pressure from any side. In this view of the matter, continuation of the impugned prosecution under Section 182 IPC would be nothing but sheer abuse of the process of law. It would result in wastage of valuable time of the Court because no chance of conviction is left.

10. In the totality of facts and circumstances of the present case, noted above, coupled with the reasons aforementioned, and to secure the ends of justice, kalandhra under Section 182 IPC date 28.03.2006 including the subsequent proceedings arising therefrom, are order to be quashed.”

7. Thus, in view of the aforesaid facts, accompanied by statements of both the parties as well as keeping in mind the law laid down in the aforementioned judgments, Kalandra under Section 182 Cr.P.C. registered vide DDR No.37 dated 15.03.2019, at Police Station City Sangrur as well as all subsequent proceedings arising therefrom are hereby quashed qua the petitioner.

8. Accordingly, petition stands allowed subject to payment of costs of Rs.10,000/- to be deposited by the petitioner with the Poor Patient Welfare Fund, PGIMER, Chandigarh, within a period of two weeks from the date of receipt of certified copy of this order.

13.02.2024

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(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No