

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

266

CRM-M-1759-2019

Date of Decision:22.07.2019

Tarif and others

....petitioners

Versus

State of Haryana and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ANIL KSHETARPAL

Present: Mr.Nafees Ahmad Khan, Advocate
for the petitioners

Mr.Anmol Malik, DAG Haryana

Mr.Munfaid Khan, Advocate
for respondents No.2 and 3

ANIL KSHETARPAL, J. (ORAL):

The petitioners have approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure (for short 'Cr.P.C.') invoking its inherent jurisdiction for quashing of FIR No.447 dated 05.11.2018 registered under Sections 307/316/323/325/34/506 of the Indian Penal Code (for short 'IPC'), at Police Station Tauru, District Nuh and the consequential proceedings arising therefrom, on the basis of affidavit (Annexure P-2).

Notice of motion was issued.

In compliance of the order dated 22.04.2019 passed by this Court, the parties got their statements recorded before the learned trial

Court. Consequently, a report dated 03.05.2019 sent by the Additional Chief Judicial Magistrate, Nuh has been received which is available on record of the case along with the statement of the parties. Learned Magistrate has reported that the parties have made their statements voluntarily and without any pressure. The compromise arrived at between the parties has been found to be a genuine one.

Dispute in the present case is arising out of a matrimonial discord. It has been stated that the parties have resolved their dispute and Nusrat-respondent No.3 is now living peacefully in her matrimonial home.

After hearing learned counsel for the parties and after 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 an out of Court settlement by way of compromise (Annexure P-2). 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.

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*.

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.447 dated 05.11.2018 registered under Sections 307/316/323/325/34/506 IPC, at Police Station Tauru, District Nuh and the subsequent proceedings arising therefrom are ordered to be

quashed,however, qua the petitioners only.

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

22.07.2019

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable-

Yes/No.
Yes/No