

**CRM-42897-2021 in/and
CRM-M-10599-2021**

-1-

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

**CRM-42897-2021 in/and
CRM-M-10599-2021
Date of Decision: 22.12.2021.**

**PRASHANT KUMAR @ PRASHANT KUMAR SINGH
... PETITIONER**

VS.

STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Prashant Singh Chauhan, Advocate, for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

Mr. Kartik, Advocate for

Mr. Baljeet Beniwal, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to
COVID-19 pandemic.

CRM-42897-2021

Prayer in this application is for preponement of date of hearing in
the main case.

It has been stated that the statements of the parties have already
been recorded.

Notice in the application.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana,
accepts notice on behalf of respondent No.1-State and Mr. Kartik, Advocate
appearing for Mr. Baljeet Beniwal, Advocate, accepts notice on behalf of
respondent No.2.

In view of the averments made in the application and by

recording no objection from the learned State counsel as well as counsel

appearing for respondent No.2, prayer is allowed. Main case is taken up on Board today itself.

Application is disposed of.

CRM-M-10599-2021

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.0009 dated 06.01.2020 under Sections 323, 498-A and 506 IPC registered at Police Station, Sector-6, Dharuhera, District Rewari and all the consequential proceedings arising therefrom on the basis of compromise dated 26.02.2021 (Annexure P-2).

On 08.03.2021, the parties were directed to get their statements recorded before the learned trial Court/ Illaqa Magistrate.

In compliance of the order dated 08.03.2021, the statements of the parties have been recorded and the learned CJ (SD)-cum-CJM, Rewari, has sent the report to the following effect:-

“ Power of attorney filed on behalf of complainant. A joint application have been filed by the accused person/petitioner Parshant Kumar Singh and complainant/respondent no.2 Dolly Bhatt through their counsels to record the statements of parties in pursuance of order dated 08.03.2021 passed by Hon'ble Punjab and Haryana High Court in CRM-M-10599-2021.

2. Complainant/respondent no.2 Dolly Bhatt and accused person/petitioner Parshant Kumar Singh had appeared in person in the court on 06.04.2021, Copy of order passed by the Hon'ble Punjab and Haryana, High Court, Chandigarh dated 08.03.2021 in CRM-M-10599-2021 also placed on record. As per this order, the trial court has been asked to record the statements of the parties and submit report to the Hon'ble Punjab and

Haryana High Court, Chandigarh. In compliance of the direction of the Hon'ble Punjab and Haryana High Court, the statement of the complainant/respondent no.2 Dolly Bhatt and accused person/petitioner Parshant Kumar Singh have been recorded.

3. The complainant/respondent no.2 Dolly Bhatt has stated that the case FIR No.09 dated 06.01.2020 Under Sections 498A/506/323 I.P.C. Police Station Sector-6 Dharuhera District Rewari was registered, on basis of her complaint against the accused person but she has now entered into a compromise with above named accused person out of her own free will and volition and she does not want to pursue the present case. Similarly, the accused person/petitioner Parshant Kumar Singh has also stated that he has also compromised the matter with the complainant/respondent no.2 Dolly Bhatt and no other criminal case is pending against him and the compromise is entered by them voluntarily.

4. Both the complainant/respondent no.2 Dolly Bhatt and the accused person/petitioner Parshant Kumar Singh have been identified by their respective counsels, namely Sh. Ashok Yadav, Advocate for complainant and Shri Vinay Rewaria, Advocate for accused person.

5. Also, statement of ASI Sunita, Investigating Officer of this case has been recorded and she has stated that as per the FIR, complainant/respondent no.2 is the sole complainant in this case. Accused Parshant Kumar is not involved in any other case and he has never been declared as proclaimed offender.

6. Also, in the present case FIR, information sought is as follows:-

(i) Only one accused Parshant Kumar Singh has been arrayed as accused in present

FIR case.

(ii)Accused person Parshant Kumar Singh has never been declared as proclaimed offender as stated by the IO of this case.

(iii)Yes, this court is of the opinion that the compromise have been arrived at between the parties voluntarily, without coercion, pressure or undue influence.

(iv)As stated by the IO, accused person Parshant Kumar Singh has never been involved in any other case.

(v)The case is at the stage of prosecution evidence during trial.

(vi)Complainant Dolly Bhatt is the sole complainant/victim in this case, as stated by IO ASI Sunita.

7. In the present case besides recording the statements of the parties, I have also personally enquired from each of the parties i.e. the complainant and the accused person regarding the compromise and both of the parties have stated that they have voluntarily compromised the matter between them. So, in view of the statements made by the complainant and accused person/petitioner Parshant Kumar Singh, I am of the opinion that the compromise have been arrived at between the parties voluntarily, without coercion and pressure.

”

It has been stated that the matrimonial dispute has been amicably settled between the parties. The marriage between the parties was dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act.

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.

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***.

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.0009 dated 06.01.2020 under Sections 323, 498-A and 506 IPC registered at Police Station, Sector-6, Dharuhera, District Rewari and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

22.12.2021
smriti

(VIVEK PURI)
JUDGE

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