

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

CRM No.M-37469 of 2019 (O&M)

Date of Decision: April 15, 2021

Sumit Kumar and others

...Petitioners

VERSUS

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Shokeen Singh Verma, Advocate,
for the petitioners.

Ms.Harpreet Kaur, AAG, Haryana
for the respondent-State.

Ms.Gurmeet Kaur, Advocate
for respondent No.2.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of the COVID-19 pandemic.

Petitioners have invoked inherent jurisdiction of this Court by way of filing petition under Section 482 Cr.P.C., thereby making a prayer for quashing of FIR No.16 dated 04.10.2019, under Sections 323, 34, 406, 498-A and 506 IPC, registered at Police Station Women Police Station, District Charkhi Dadri and all subsequent proceedings arising therefrom, on account of compromise having been effected between the parties.

In pursuance of the order dated 12.11.2020, the parties had

appeared before learned Judicial Magistrate Ist Class, Charkhi Dadri and

thereupon, statements of the concerned parties vis-a-vis arrival of the compromise have been recorded by the Presiding Officer. Report furnished by learned JMIC, Charkhi Dadri, has been received and as per said report, the compromise effected between the parties is genuine, voluntary and without any coercion or undue influence. Four persons namely Sumit Kumar, Virbhan Dalal, Suman and Rabina were arrayed as accused in present FIR but Rabina was found innocent. Also, it is stated in the report that none of the persons, who were arrayed as accused, is proclaimed offender and they are also not involved in any other FIR. The victim-complainant is only Monika, who was married to Sumit Kumar-petitioner No.1.

Also, it is submitted by learned counsel for the petitioners as well as learned counsel for respondent No.2 that petition under Section 13B of the Hindu Marriage Act had already been filed, in pursuance of the arrival of the compromise and statements of Ist motion were recorded on 17.08.2020, copy whereof is Annexure P-2. Even, 2nd motion statement has been recorded and decree of divorce by mutual consent has been passed on 18.02.2021.

After hearing the learned counsel for the parties and also 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 settlement, out of the Court, by way of compromise. The compromise, so reached between the parties is voluntarily made, without any pressure or undue influence on the minds of any of the parties.

In view of the same, the continuation of the criminal proceedings would be futile exercise resulting in sheer abuse of the process of law.

To so conclude, reliance is placed upon “*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.

Keeping in view the aforesaid facts of the case and also considering the statements, so got recorded by the concerned parties, vis-a-vis the compromise, which appears to have been made voluntarily and without any coercion or undue influence and in view of the report, so received from the concerned Judicial Magistrate, FIR No.16 dated 04.10.2019, under Sections 323, 34, 406, 498-A and 506 IPC, registered at Police Station Women Police Station, District Charkhi Dadri and all subsequent proceedings arising therefrom, are ordered to be quashed.

Accordingly, the present petition stands allowed.

April 15, 2021
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No