

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-1101-2021 (O&M)

Date of Decision: 08.04.2022

TUSHAR PANDEY AND ORS ... PETITIONERS
VS.

STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vijay Nagpal, Advocate,
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Saksham, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.73 dated 18.02.2016 under Sections 323/34/406/498-A and 506 IPC registered at Police Station Kundli, District Sonipat and all the subsequent proceedings arising therefrom on the basis of compromise.

On 12.01.2021, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Trial Court.

In compliance of the order dated 12.01.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Sonipat has sent the report and the relevant portion whereof is reproduced here-in-below:-

“The parties have appeared and made their statements in support of compromise. Statement of accused Hari Narayan Pandey was recorded through vide conferencing on 24.02.2021. He was identified by Sh. Gaurav Dahiya, Advocate. It is submitted that as per statements of parties,

compromise between appearing parties is genuine & voluntarily out of their free will. All original statements are attached herewith for kind perusal.

It is submitted that as per statement of SI Naresh Kumar, Investigating Officer there are three accused namely Tushar Pandey, Abha Pandey and Hari Narayan Pandey in present case. He submitted that no any accused is absconding or declared proclaimed offender in present case. There is only one complainant/aggrieved/injured person namely Ms. Manshi Sharma who had appeared in person and got recorded statement dated 05.02.2021 in support of compromise. It is further submitted that the case is now fixed for prosecution evidence.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled. The marriage of petitioner No.1 and respondent No.2 have been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of judgment and decree dated 21.01.2020 passed by learned Principal Judge, Family Courts, Patiala House Courts, New Delhi. The amount of permanent alimony has been paid. A sum of Rs.7 lac which was to be paid at the time of quashing of FIR has also been paid to respondent No.2 and no other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged the fact of receipt of sum of Rs.7 lac which was required to be paid at the time of quashing of the petition and has not disputed the aforesaid factual aspect(s) and has stated that he has no objection if the FIR is quashed.

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.,

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.

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.

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.73 dated 18.02.2016 under Sections 323/34/406/498-A and 506 IPC registered at Police Station Kundli, District Sonipat and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

08.04.2022
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(VIVEK PURI)
JUDGE

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