

246 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-1001-2022
Date of Decision: 31.05.2022

BHAGAT SINGH ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ashok Kaushik, Advocate for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.
Mr. B.S.Tewatia, Advocate for
Mr. Ankur Kaushik, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Reply has been taken on record.

Present petition under Section 482 Cr.P.C. is for quashing of
FIR No. 861 dated 06.11.2018, under sections 498-A, 406, 354, 323, 377
IPC registered at Police Station Sector 7, District Faridabad on the basis of
compromise (Annexure P-2).

On 01.02.2022 the parties were directed to appear before the
Trial Court and get their statements recorded with regard to the compromise
arrived at between them. The Trial Court was directed to record the
statements of all the concerned and send its report regarding genuineness of
the compromise.

In compliance of the order dated 01.02.2022, learned Judicial
Magistrate First Class, Faridabad has recorded the statements of the parties
and submitted the report, the relevant portion whereof reads as under:-

“(i) As per statement of IO, there is only one
person arrayed as accused, namely, Bhagat Singh, in

the present FIR.

(ii) The accused is not a proclaimed offender.

(iii) The compromise is genuine, voluntary and out of free will of the parties and without any coercion or undue influence.

(iv) The accused is not involved in any other case.

(v) There is only one victim/ complainant in the present FIR.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 14.03.2022 passed by the Court of learned Addl. Principal Judge, Family Court, Faridabad. Respondent No.2 has withdrawn the petition under Section 125 of the Code of Criminal Procedure and the petition under Protection of Women from Domestic Violence Act. Furthermore, a sum of Rs. 9 Lakhs has been paid to respondent No.2 on account of permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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., so as to secure the ends of justice because the parties have arrived at a settlement, out of the Court, by way of compromise (Annexure P-2).

The compromise is without any pressure and is 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*.

Accordingly, the present petition is allowed and FIR No. 861 dated 06.11.2018, under sections 498-A, 406, 354, 323, 377 IPC registered at Police Station Sector 7, District Faridabad and all the consequential proceedings arising therefrom are quashed qua the petitioner.

31.05.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No