

251 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3216-2022
Date of Decision: 14.10.2022

YOGESH KUMAR SHARMA AND OTHERS ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.K.Sehrawat, Advocate for the petitioners.
Mr. Karan Garg, AAG Haryana.
Mr. Vikas Gulia, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 794 dated 19.12.2021, under sections 323, 34, 354-A, 354-C, 376, 377, 406, 498-A, 500, 506 IPC registered at Police Station Azad Nagar Hisar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 08.08.2022, 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 08.08.2022, learned Judicial Magistrate Ist Class, Hisar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ There are only three accused persons

namely Yogesh Kumar Sharma, Narender Sharma and Neeta Devi, all residents of H.No 1/9, Kishangarh, Vasant Kunj, Near Vasant Apartment, New Delhi, arraigned as accused persons in this case.

(i) As per the statement of IO/PSI Anju, PS Azad Nagar, none of the accused have been declared as proclaimed offender in the present case.

(iii) After careful perusal of the statements given on solemn affirmation by the complainant namely Pinki Rani Jangra as well that of accused Yogesh Kumar Sharma, Narender Sharma and Neeta Devi, the undersigned is convinced that the abovesaid persons have made their statements voluntarily, without any coercion or undue influence. The compromise entered into between the parties is genuine.

(iv) As per the statement suffered by IO, accused persons of this case are not involved in any other case.

(v) It is submitted that as per statement suffered by IO there is only one victim/complainant in this case namely Pinki Rani Jangra.”

Learned counsel for the petitioners contends that the marriage of petitioner No.1 was solemnized with respondent No.2 on 03.04.2021 but no child has been born from the wedlock. The petitioner No.1 and respondent No. 2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court at Hisar wherein the statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.24 Lakhs to respondent No.2 on account of permanent alimony in terms of compromise deed, Annexure P-2. The jewellery items of respondent No.2 shall also be returned to her. 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. 794 dated 19.12.2021, under sections 323, 34, 354-A, 354-C, 376, 377, 406, 498-A, 500, 506 IPC registered at Police Station Azad Nagar Hisar and all the consequential proceedings arising therefrom are quashed qua petitioners only.

14.10.2022

Janki

**(VIVEK PURI)
JUDGE**

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