

265 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3101-2022
Date of Decision: 26.04.2022

SUNIL ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sunil Polist, Advocate for the petitioner.

Mr. Ramesh Kumar, AAG Haryana.

Mr. Arpit Gupta, Advocate for
Mr. M.S.Bajwa, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 128 dated 17.07.2019 under Sections 498-A, 406 IPC, Police Station Rajaund, District Kaithal and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 07.02.2022 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 07.02.2022, learned Judicial Magistrate First Class, Kaithal has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“I have the honour to submit the requisite report as directed vide order dated 07.02.2022 passed in CRM-

M-3101-2022 by Hon'ble Punjab & Haryana High Court, Chandigarh. There is one complainant and one accused in this case. Accused has not ever been declared proclaimed offender. Accused appearing before the Court are is bail and no any other proceeding is pending against him. The statement of Investigating Officer has also been recorded who stated that there is one complainant namely Mamta Devi and one accused namely Sunil in present FIR and both the complainant and accused are party to the compromise in question. The complainant namely Mamta Devi and accused namely Sunil in the case under reference appeared before this court for recording their statement regarding effecting of compromise. Vide duly identified statements of the complainant and accused have stated that they have compromised the matter. The complainant party raised no objection if the above said case FIR is quashed. Detailed report regarding veracity of the compromise is being submitted.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of Compromise/Settlement Deed, Annexure P-2. The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs. 12,50,000/- on account of permanent alimony to respondent No.2 as per the Settlement. The respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. and complaint under Section 12 of the Protection of Women from Domestic Violence Act. No child has been born from the wedlock. 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. 128 dated 17.07.2019 under Sections 498-A, 406 IPC, Police Station Rajaund, District Kaithal and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

26.04.2022

Janki

**(VIVEK PURI)
JUDGE**

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