

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

CRM-M-3444-2022

Date of Decision: 26.04.2022

Sharad Sudhir Vashisth

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Mr. Ramesh Kumar, AAG Haryana.

Ms. Rajbir Kaur, Advocate
for Mr. Parduman Garg, Advocate
for the complainant-respondent No. 2.

VIVEK PURI J.

Through instant petition, the petitioners are seeking to quash the FIR No. 72 dated 06.07.2018 under Sections 498-A/406/506/34 of IPC registered at Police Station Women Rewari, District Rewari (Annexure P-1) and all the consequential proceedings arising therefrom on the basis of compromise.

On 09.02.2022, the parties were directed to get their statements recorded before the learned Trial Court/Illaq Magistrate. In compliance of the order dated 09.02.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Rewari has sent the report and the relevant portion whereof is reproduced here-in-below:-

“i) As per the statement of I.O., there were accused persons namely Sharad, Sudhir and Krishan in the FIR and were arrested in the said FIR. During the investigation, accused Sudhir and Krishan were found innocent in the present case and accordingly they were not challaned.

ii) As per the statement of I.O. no accused has been declared as proclaimed offender.

iii) In view of the statements of the parties, the compromise effected between the parties appears to be genuine, voluntary and out of free will.

iv) As per statement of I.O., the accused persons are not involved in any other FIR.

v) Statement of I.O. Recorded in which she stated that there is only one victim/complainant in the present FIR and both the victim/complainant and the accused are party to the compromise in question.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The marriage between 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 20.03.2021 passed by the Family Court, Mumbai, Bandra. The custody of two children shall remain with the petitioner. The petition under Guardian and Ward Act and the complaint under Protection of Women from Domestic Violence Act have been withdrawn by respondent No. 2.

Learned counsel for respondent No.2 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., so as to secure the ends of justice because the parties have arrived at a 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. 72 dated 06.07.2018 under Sections 498-A/406/506/34 IPC registered at Police Station Women, Rewari, and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only. Resultantly, with the above-said observations made, the instant petition stands allowed.

However, on 09.02.2022, when the directions were issued to the parties to get the statement recorded, it was also observed that question of imposition of costs for wasting the valuable time of Police as well as Court will be assessed and imposed at the time of final hearing of the petition, in case the FIR is to be quashed. The petitioner is stated to working as a Marine Engineer in a shipping company. In these circumstances, it shall be appropriate to impose a costs of Rs. 20,000/- which shall be deposited by the petitioner with the *District Legal Services Authority, Rewari*. The deposit of costs shall be a condition precedent for enuring benefit of this order to the petitioner.

26.04.2022

Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No