

DEEPAK DHALL AND ORS.

...PETITIONERS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Ambhanshu Sahni, Advocate for the petitioners.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Yadwinder Singh, Advocate for respondent No.2.

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**VIVEK PURI, J. (ORAL)**

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.37 dated 07.05.2018 under Sections 323/406/498-A/506 IPC, registered at Women Police Station, District Ambala and all the consequential proceedings arising therefrom, on the basis of compromise.

On 21.04.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 21.04.2022, learned Judicial Magistrate 1<sup>st</sup> Class, Ambala has recorded the statements of the parties and

submitted the report, the relevant para whereof reads as under:-

|       |                                                                                                  |                                                                                                                                                                                                                                                                                                                        |
|-------|--------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (i)   | <i>Number of accused arrayed in FIR?</i>                                                         | <i>As per I.O. FIR was registered against four accused namely Deepak Dhall, Parvesh Dhall, Kewal Krishan and Shivani. However, during investigation, accused Shivani was found innocent and therefore, challan was presented against accused Deepak Dhall, Parvesh Dhall, Kewal Krishan and she was not challaned.</i> |
| (ii)  | <i>Whether any of the party is a proclaimed offender?</i>                                        | <i>As per IO of the case, none of the accused persons have been declared as proclaimed person/offender.</i>                                                                                                                                                                                                            |
| (iii) | <i>Whether the compromise is genuine, voluntary and without any coercion or undue influence?</i> | <i>Both the parties have admitted that the compromise have been effected by them and it appears to be genuine and valid. I am satisfied that the compromise have been arrived at with the free consent of the parties and without any undue influence or coercion from any side.</i>                                   |
| (iv)  | <i>Whether the accused persons are involved in any other case or not?</i>                        | <i>As per I.O. no other case is pending against any of the accused persons.</i>                                                                                                                                                                                                                                        |
| (v)   | <i>How many victims/complainants are there in the FIR?</i>                                       | <i>As per I.O. no one except complainant Gauri is victim in the present case.</i>                                                                                                                                                                                                                                      |

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 29.04.2015 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise deed dated 19.01.2022 (Annexure P-3). The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 26.07.2022 passed by the Family Court, Ambala. A sum of Rs.10,00,000/- has been paid on account of permanent alimony to respondent No.2. The custody of minor child shall remain with respondent No.2. The parties have also withdraw the other cases instituted against each other. No other case is pending between them at present.

Learned counsel for respondent No.2 states that he has no objection

if FIR is quashed.

After hearing the 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.37 dated 07.05.2018 under Sections 323/406/498-A/506 IPC, registered at Women Police Station, District Ambala and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

23.08.2022  
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(VIVEK PURI)  
JUDGE

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