

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

CRM-M-6991-2020

Date of Decision: 01.12.2022.

LAKHWINDER AND OTHERS ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Shailender Singh Gill, Advocate
for the petitioners.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. S.K.Jindal, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.107 dated 05.04.2017 under Sections 323/34/354-B/406/498-A/506 IPC (Section 377 IPC added later on) registered at Police Station Pundri and all the consequential proceedings arising therefrom on the basis of compromise.

On 17.02.2020, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 17.02.2020, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Kaithal has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In this regard, it is most respectfully submitted that on 4.3.2020, the parties appeared before the Court of undersigned being Illaqa Magistrate/Trial Court to get their statements recorded in compliance of order dated 17.02.2020, passed by Hon'ble High Court in

CRM No. M-6991 of 2020 titled “Lakhwinder and others Vs. State of Haryana and another”. In the present First Information Report, Gurmeet Kaur wife of Lakhwinder is the complainant. Jai Singh son of Sadhu Ram and Vidhya Devi wife of Jai Singh (parents of complainant) are the aggrieved parties and four persons namely Karam Singh son of Sohan Singh, Sushma wife of Karam Singh, Lakhwinder son of Karam Singh and Jitender son of Karam Singh all residents of village Khanoda, District Kaithal, are arrayed as accused. The parties have made statements that they have compromised the matter in dispute at Panchayat level and the compromise has been effected out of their own free wish, without any threat, pressure or undue influence and in order to maintain peace and harmony.

Accused Karam Singh, Sushma, Lakhwinder and Jitender have also filed their respective affidavits wherein they have stated that they have never been declared as proclaimed offenders in any case. The challan in the present FIR has already been filed in the Court and the case is at the stage of prosecution evidence.

In view of the statements made by the parties, it appears that the parties have compromised the matter in dispute voluntarily and without any coercion or undue influence and the compromise seems to be genuine..”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 28.01.2013 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 and

respondent No.2 has been dissolved by *ex-parte* decree of divorce dated 26.02.2018 passed by the learned Additional District Judge, Kaithal. The said petition was instituted by respondent No.2. The custody of minor child shall remain with respondent No.2. The entire claim of respondent No.2 with regard to permanent alimony and *istridhan* has been settled. The marriage of sister of petitioner No.1 was also solemnized with the brother of respondent No.2. At the instance of the sister of petitioner No.1, FIR No. 136 dated 01.05.2017 under Sections 323/342/354-A(1),498-A and 506 IPC was registered against brother of respondent No.2 and other family members. The compromise has also been effected therein and the said FIR has been quashed in terms of the order dated 30.10.219 passed in CRM-M-24424-2019 and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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.107 dated 05.04.2017 under Sections 323/34/354-B/406/498-A/506 IPC (Section 377 IPC added later on) registered at Police Station Pundri and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

01.12.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No