

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

CRM-M-7181-2022

Date of Decision: May 18, 2022

Rahul Mehla and another

... Petitioners

V/S

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Munish Mittal, Advoate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Prateek Singh, Advocate for
Mr. Ankit Kamboj, Advocate
for respondent No.2-complainant.

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 390 dated 10.09.2020 under Sections 323, 420, 498-A and 506 of the IPC, registered at Police Station Kurukshetra University, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 21.02.2022, notice of motion was issued and 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 21.02.2022, learned Judicial Magistrate First Class, Kurukshetra has recorded the statements of the parties and submitted her report, the relevant para whereof reads as under:-

“ With reference to the subject cited above, I have

the honour to submit that in pursuance of order dated 21.02.2022 passed by the Hon'ble Punjab and Haryana High Court, Chandigarh in CRM-M No.7181 of 2022, parties i.e. Complainant Manisha and accused persons namely Rahul Mehla and Sunita Devi appeared before the undersigned on 15.03.2022, they made their statement recorded separately to the effect that they have compromised the matter. Complainant Manisha stated that she does not want to pursue the proceedings against the accused persons namely Rahul Mehla and Sunita Devi. The parties were also orally questioned by the undersigned regarding genuineness and validity of the compromise and they stated that they have entered into the compromise voluntarily by their own free will. Both the parties were identified by their counsel, respectively. After going through the statements of the parties, I am of the view that parties have actually entered into a compromise by their free-will and the said compromise is genuine.

Statement of the SI Richpal Singh No.348/KKR has been recorded separately on 23.03.2022. As per the statement of Investigating Officer, in the FIR No.390 dated 10.09.2020, under Sections 323, 498-A and 506 IPC, Police Station, K.U.K., two persons namely Rahul Mehla and Sunita Mehla have been arrayed as accused. No person has been declared against the above named accused persons. Only one victim/complainant is there in the present FIR. ”

Learned counsel for the petitioners contends that matrimonial dispute has been amicably settled between the parties. 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. The entire amount of permanent alimony has been paid to respondent No.2. She has withdrawn the petition under Section 125 Cr.P.C.

Learned counsel for respondent No.2 has not disputed the aforesaid aspect of the case 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. 390 dated 10.09.2020 under Sections 323, 420, 498-A and 506 of the IPC, registered at Police Station Kurukshetra University, District Kurukshetra and all the consequential proceedings arising therefrom are quashed qua the petitioners.

May 18, 2022

sarita

**(VIVEK PURI)
JUDGE**

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