

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

**CRM-M-9833-2022
Date of Decision: 08.08.2022**

**RAVINDER MALIK ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mazlish Khan, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Ms. Suman Kumari, 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. 114 dated 22.07.2021 under Sections 323/376/377/406/498-A/506/34 IPC registered at Police Station Women, District Sonapat, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 08.03.2022, 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 08.03.2022, learned Judicial Magistrate Ist Class, Sonapat has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

Sr. No	Information required	Report
1	The number of accused arrayed in FIR, how many appeared before it and have made statements?	As per the report of Investigating Agency, accused namely Ravinder Malik, Jyoti, Santosh, Asim, Monika and Dharambir were arrayed in the present FIR, however, after investigation, accused Ravinder Malik was charge sheeted while accused namely Jyoti, Santosh, Asim, Monika and Dharambir were not charge sheeted. Accused Ravinder Malik has appeared before the court for recording his statement regarding compromise.
2	Whether any accused is absconding/PO in this case?	According to the report of the Investigating Agency, None of the accused is absconding nor has been declared proclaimed offender in this case or in any other criminal case.
3	If the compromise is genuine, voluntarily and out of free will of the parties?	Yes, compromise effected between the parties is without any pressure, fear, threat, coercion or undue influence from either of the sides and is a voluntary and genuine compromise.
4	Whether the accused persons are involved in any other case or not?	As per the report of the Investigating Officer, the above mentioned accused persons are not involved in any other criminal case.
5	Name of the complainant and aggrieved and whether all of these have appeared and made their respective statements in support of the compromise so effected between them.	Yes, according to the report of Investigating Agency, complainant in the case is Sonal who is the only aggrieved in the present case and she has appeared before the court and has made her statement before the court qua the compromise effected between her and the accused persons. The statement of the Investigating Officer L/HC Usha Belt No. 1608/SPT has been recorded to that effect separately. The statement of the IO is also annexed with the report for kind perusal of the Hon'ble High Court.

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled in terms of compromise, Annexure P-3. Offence under Section 376 read with Section 34 IPC has been deleted. All other accused except the petitioner have been found to be innocent. The

marriage of petitioner 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 25.07.2022 passed by the Family Court, Sonapat. A sum of Rs. 8,50,000/- has been paid on account of permanent alimony to respondent No.2. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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. 114 dated 22.07.2021 under Sections 323/376/377/406/498-A/506/34 IPC registered at Police Station Women, District Sonapat, Haryana and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

08.08.2022

Janki

**(VIVEK PURI)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No