

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8620-2022

Date of Decision: 25.05.2022

ASHOK KUMAR AND ANOTHER ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sushil Kumar Verma, Advocate,
 for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Munish Raj Choudhary, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No. 450 dated 28.12.2020 under Sections 323/34/376/377/406/498-A/506 and 511 IPC registered at Police Station Ellenabad, District Sirsa and all the consequential proceeding arising therefrom on the basis of compromise.

On 28.02.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 28.02.2022, the statements of the parties have been recorded and the learned Additional District & Sessions Judge, Sirsa, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“(i) There are two accused arraigned in the FIR and both have appeared before it and have made their respective statements ;

(ii) No accused is absconding/Proclaimed Offender in the case ;

(iii) The compromise effected between the parties is genuine, voluntary and without any coercion

or undue influence ;

(iv) No other criminal case is pending against any of the accused. However, as per police report, a criminal case under Excise Act was registered against accused Ashok Kumar, wherein he has been acquitted vide order dated 09.06.2015.

(v) The statement of the Investigating Officer has been recorded. There is only one complainant/victim in the case in hand.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of the compromise deed dated 06.08.2021 contained at Annexure P-2. Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent wherein statements of the parties at the stage of first motion have been recorded. The minor child shall remain in the custody of petitioner No.1 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. 450 dated 28.12.2020 under Sections 323/34/376/377/406/498-A/506 and 511 IPC registered at Police Station Ellenabad, District Sirsa and all the consequential proceeding 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.

25.05.2022
smriti

(VIVEK PURI)
JUDGE

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