

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9561-2022

Date of Decision: 19.09.2022

SAHIL

... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ashish Grewal, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Naveen Kashyap, Advocate for
Mr. Ravi Malik, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 107 dated 27.08.2020 under Sections 323/354/406/498-A/506 IPC registered at Police Station Women, Yamuna Nagar, District Yamuna Nagar and all the subsequent proceedings arising therefrom on the basis of compromise.

On 07.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 07.03.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jagadhri, has sent the report and the relevant portion whereof reads as under:-

“2. On oral inquiry both the parties have stated that the matter has been settled amicably without any undue influence or coercion in any manner. I also specifically inquired from the complainant about the validity of compromise. She stated that the compromise arrived at in the said matter is voluntarily and without any kind of undue influence or coercion.

3. Statements of both the parties regarding

compromise recorded. Same are attached herewith.

4. It is humbly submitted that as per statement of Insp./PI Sheelawanti, PS Women, Yamuna Nagar, name of complainant of the present case is Ekta Kamboj daughter of Ashok Kumar. Total four persons namely Sahil son of Raj Kumar, Raj Kumar son of Jaswant, Santosh wife of Raj Kumar and Gaurav son of Pappu were arrayed as accused in the present FIR. However, challan was only presented against accused Sahil. The complainant and accused Sahil have appeared and made their respective statement in support of the compromise so effected between them. In the present case, none of the accused has been declared proclaimed offender. The present case is at the stage of prosecution evidence. It is further submitted that I am satisfied that the matter has been settled between the parties amicably/voluntarily. Thus, the compromise in the present case is genuine, voluntarily and out of free will.”

Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No.2 on 15.01.2019 but no child has been born from the wedlock. The FIR was registered against the petitioner and three other relatives. However, during the course of investigation, the relatives of the petitioner have been found to be innocent and the challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of the compromise contained at Annexure P-2. The marriage of petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 24.02.2022 passed by the Family Court, Yamuna Nagar and no other case is pending between the parties.

Learned counsel appearing 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 27.08.2020 under Sections 323/354/406/498-A/506 IPC registered at Police Station Women, Yamuna Nagar, District Yamuna Nagar and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

19.09.2022
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(VIVEK PURI)
JUDGE

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