

288 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9845-2022 (O&M)

Date of Decision: 17.10.2022

GAGANDEEP SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.S.Chauhan, Advocate for the petitioners.

Mr. Karan Garg, AAG Haryana.

Mr. Virender Kumar, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 208 dated 01.12.2021 registered under Sections 323/406/498-A/509 of the Indian Penal Code at Police Station Sector 9, Ambala City and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2/T).

In terms of the order dated 08.03.2022, learned Judicial Magistrate Ist Class, Ambala has submitted the report. At the initial instance, the report was received to the effect that petitioner No. 3 and respondent No.2 had not appeared to get the statements recorded. However, the statements of petitioner No.1 and respondent No.2 were recorded. The statement of the Investigating Officer was also recorded which indicated that there was only one victim i.e. the complainant and no person has been declared as proclaimed offender. Furthermore, 3 persons have been arraigned as accused and no other case is pending against them.

Subsequently, in terms of the order dated 26.05.2022, another opportunity was given to get the statements of petitioner No.3 and respondent No.2 to be recorded by the trial Court subject to deposit of Rs. 10,000/- as cost with the District Legal Services Authority, Ambala. The supplementary report has also been received which indicates that the amount of Rs. 10,000/- as cost has been deposited and the receipt was placed on record. The statements of petitioner No.3 and respondent No.2 were also recorded and it has been reported that the compromise effected between the parties is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. The learned trial Court has recorded its satisfaction with regard to the validity of the compromise.

Learned counsel for the petitioners contend that marriage of petitioner No.1 was solemnized with respondent No.2 on 12.06.2019 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2/T. The marriage of petitioner No.1 with respondent No.2 has been dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act by mutual consent in terms of the judgment and decree dated 26.04.2022 passed by the learned Family Court, Ambala. A sum of Rs. 1 Lakh has been paid to respondent No.2 on account of permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact 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/T). 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. 208 dated 01.12.2021 registered under Sections 323/406/498-A/509 of the Indian Penal Code at Police Station Sector 9, Ambala City and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

17.10.2022

Janki

**(VIVEK PURI)
JUDGE**

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