

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11305-2021

Date of Decision: 12.10.2022

PRINCE AND OTHERS

... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sukhdeep Singh, Advocate, for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Shivam Charaya, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.1565 dated 09.12.2016 under Sections 406/498-A/506/323/377 IPC registered at Police Station Panipat City, District Panipat and all the consequential proceedings arising therefrom on the basis of compromise.

On 10.03.2021, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 10.03.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Panipat, has sent the report and the relevant portion whereof reads as under:-

“2. Upon preliminary inquiry, the parties stated that the matter had been amicably settled between them voluntarily and without any coercion or undue influence. Thereupon, their statements qua the compromise were recorded separately. Same has been read over and explained to them. The same are being attached herewith.

3. It is further submitted that I am satisfied

that the compromise arrived at between complainant on the one hand and accused on the other hand is voluntary & genuine.

4. This court is satisfied that there is no other person involved in the occurrence whose consent for compromise is required.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 26.02.2016 but no child has been born from the wedlock. The 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 the Hindu Marriage Act in terms of the judgment and decree dated 01.07.2021 passed by the learned Family Court, Panipat. A sum of Rs.3,50,000/- has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has withdrawn the petitions filed under Section 125 Cr.P.C and Section 12 of Protection of Women from Domestic Violence Act and no other case is pending between the parties.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.1565 dated 09.12.2016 under Sections 406/498-A/506/323/377 IPC registered at Police Station Panipat City, District Panipat and all the consequential proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

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

12.10.2022
smriti

(VIVEK PURI)
JUDGE

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