

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10336-2022
Date of Decision: 12.05.2022

SURYAKANT ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Navmohit Singh, Advocate for the petitioner.

Mr. Karan Sharma, DAG Haryana.

Mr. Ashutosh Kaushik, 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.954 dated 30.10.2017 registered under Sections 406, 498-A, 506, 34 Indian Penal Code (Section 34 IPC deleted later on) at Police Station Hisar City, District Hisar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 10.03.2022 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 10.03.2022, learned Judicial Magistrate First Class, Hisar has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“It is most respectfully submitted that the undersigned is satisfied with regard to the genuineness and voluntariness of the compromise and that the same is not result of any pressure or coercion in any manner. Both the parties have suffered their separate statements regarding their compromise voluntarily. As per the statement of the IO ASI Rajesh Kumar, there is only one victim namely complainant Tanu and one accused namely Suryakant in the instant case. No accused has been declared a proclaimed offender in the instant case till date. Accused Suryakant is not involved in any other criminal case.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The marriage of petitioner with respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 29.03.2022 passed by the learned Judge Family Court, Hisar. All the other cases instituted by the parties have been withdrawn.

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). 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.

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. 954 dated 30.10.2017 registered under Sections 406, 498-A, 506, 34 Indian Penal Code (Section 34 IPC deleted later on) at Police Station Hisar City, District Hisar and all the consequential proceedings arising therefrom are quashed qua the petitioner.

12.05.2022

Janki

(VIVEK PURI)
JUDGE

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