

**244 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-9152-2020 (O&M)

Date of Decision: 09.03.2022

CHANDER KANT ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Rajesh Lamba, Advocate for respondent No.2.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 48 dated 30.01.2019 under Sections 498A, 406, 323, 354, 313, 506 IPC, registered at Police Station Adarsh Nagar, District Faridabad, Haryana and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 02.03.2020 notice of motion was issued and on 06.01.2022, 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 06.01.2022, learned Judicial Magistrate First Class, Faridabad has recorded the statements of the parties and submitted his report, the relevant para whereof reads as under:-

“In compliance with the order dated 06.01.2022 passed by the Hon'ble Punjab and Haryana High Court, the information is furnished as under:

(i) The FIR was registered against four persons. During investigation, three accused persons were found innocent and police filed the challan against accused Chander Kant. Accused Chander Kant appeared and got recorded his statement in support of compromise. No accused has been declared proclaimed person in the present FIR.

(ii) Complainant- Meenaksi wife of Shri Chander Kant is the only affected/aggrieved party in the present case. She appeared and made her statement in support of compromise.

(iii) The case has already been committed to learned District & Sessions Judge, Faridabad vide order dt. 15.12.2020 passed by Shri Rakesh Kadian, the then learned JMIC, Faridabad.

(iv) As per statement made by both the parties, compromise appears to be genuine, voluntarily and out of their free will. ”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties through mediation in this Court.

It has further been stated that the marriage between the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgement & decree dated 05.07.2021 passed by the Court of learned Addl. Principal Judge, Family Court, Faridabad.

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.

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. 48 dated 30.01.2019 under Sections 498A, 406, 323, 354, 313, 506 IPC, registered at Police Station Adarsh Nagar, District Faridabad, Haryana and all the consequential proceedings arising therefrom are quashed qua the petitioner.

09.03.2022

Janki

**(VIVEK PURI)
JUDGE**

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