

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-12263-2022

Date of Decision: 27.07.2022

ANIL KUMAR

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Mohit Nehra, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Vikram Lakhlan, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioner is seeking to quash the FIR No.481 dated 18.10.2019 under Sections 323/498-A/34/506 IPC (later on Section 34 IPC deleted) registered at Police Station Tosham, District Bhiwani, on the basis of compromise.

On 31.03.2022, the parties were directed to get their statements recorded before the learned Area Magistrate/Trial Court.

In compliance of the order dated 31.03.2022 the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Tosham, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In view of the above statements of the parties as well as the Investigating Officer ASI Anand Kumar and as per the final report filed under Section 173 of Cr.P.C., this Court is of the opinion that one accused arraigned in the FIR and he appeared before the Court and made his

statement and the accused is never declared proclaimed offender in the present case. The name of the complainant in the present case is Rinku and no any other person is aggrieved in the present case and the complainant Rinku has made her statement as per the compromise. The present case is at the stage of prosecution evidence. Compromise between the parties is genuine, voluntary and out of free will of the parties. No any other criminal case is pending against the accused.”

Learned counsel for the petitioner contends that 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 as per the provisions of Section 13-B of the Hindu Marriage Act in terms of judgment and decree dated 11.05.2022 passed by the learned Family Court, Bhiwani. A sum of Rs.7 lakh has been paid to respondent No.2 on account of permanent alimony 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.481 dated 18.10.2019 under Sections 323/498-A/34/506 IPC (later on Section 34 IPC deleted) registered at Police Station Tosham, District Bhiwani, 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.

27.07.2022
smriti

(VIVEK PURI)
JUDGE

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