

CRM-M-13598-2022

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

**CRM-M-13598-2022
Date of Decision: 27.07.2022**

**KAPIL BAJAJ ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. G.S.Sidhu, Advocate for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.
Mr. Deepak Kohli, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 343 dated 13.10.2020 under Sections 323, 406, 498-A, 506 IPC registered at Police Station Sadar Sirsa, District Sirsa and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 31.03.2022, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 31.03.2022, learned Judicial Magistrate Ist Class, Sirsa has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“Accordingly, parties appeared and statement of complainant Rekha Rani wife of Kapil Bajaj was recorded in the court, in which she has stated that she is complainant in the present case and had

lodged the FIR No.343 dt. 13.10.2020, u/s 498-A, 323, 406, 506 IPC against accused Kapil Bajaj, his mother Krishna Rani Bajaj and his father Krishan Lal Bajaj (but police has not charge-sheeted Krishan Lal Bajaj and his wife Krishna Rani Bajaj), Challan was produced by police in court against accused Kapil Bajaj only. Now, matter has been compromised between her and accused person namely Kapil Bajaj. As per the settlement of the parties, Section 13-B mutual divorce decree has been passed on dated 06.06.2022. As per the affidavit/compromise deed filed in the Hon'ble High Court, she is voluntarily giving the present statement. Further, she has entered into compromise with the accused persons without any threat, undue influence or pressure and the copy of that compromise is already attach in the quashing petition. The compromise entered between us is genuine and correct. It is not the result of any fraud or misrepresentation and is with the free will of the parties. She does not wish to proceed the present case further. There is no other victim in the present case. She has no objection if the above noted FIR be quashed by the Hon'ble High Court.

Accused namely Kapil Bajaj has also suffered his separate statement that he is the accused in FIR No.343 dated 13.10.2020, under section 498- A, 323, 406, 506 IPC, P.S. Sadar Sirsa and have entered into a compromise with the complainant in the present case with the intervention of Panchayat. This compromise has been entered without any threat coercion and misrepresentation and the copy of that compromise is already attach in the quashing petition. All the differences between them have been resolved. He has not been declared proclaimed offender and not involved in any other criminal case by any court of law. He has filed a quashing petition in the Hon'ble Punjab and Haryana High Court, on the basis of compromise. It is requested that the present FIR may kindly be quashed in the present case on the basis of compromise.

Statement of Investigating Officer namely SI Ram Kumar, No.239, Incharge Anti Narcotic Cell, Ellenabad, Sirsa was also recorded. As per his statement, in the present FIR, there is one accused person namely Kapil Bajaj. There is no other accused other than accused Kapil Bajaj. The accused person has never been declared proclaimed offender by any competent court of law. There is one complainant/aggrieved party namely Rekha Rani wife of Kapil Bajaj, daughter of Baldev Singh

CRM-M-13598-2022

resident or Rangri Khera.

Queries were also put to the parties regarding the genuineness of the compromise during the proceedings. During query, parties have replied that the compromise has been entered into with their free will without any threat, coercion or undue influence from any corner.

It is submitted that there is only one complainant Rekha Rani in the present FIR and there is no other accused other than Kapil Bajaj. As per statements of parties and IO, accused has never been declared proclaimed offender. ”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties in terms of compromise dated 09.03.2022, Annexure P-2. The marriage of the petitioner and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 06.06.2022 passed by the Family Court, Sirsa. 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). 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.

CRM-M-13598-2022

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. 343 dated 13.10.2020 under Sections 323, 406, 498-A, 506 IPC registered at Police Station Sadar Sirsa, District Sirsa and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

27.07.2022

Janki

**(VIVEK PURI)
JUDGE**

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