

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

**CRM-M-13466-2022
Date of Decision: 25.07.2022**

JATIN BHATIA

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Yash Dev Kaushik, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Ms. Kusum Raj, 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.09 dated 11.01.2021, under Sections 498-A/323/506/406 IPC, registered at Women Police Station Ballabgarh, District Faridabad 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, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) The FIR was registered against two persons namely Jatin and Pinki. During investigation, accused Pinki was found innocent and police filed the challan against accused Jatin only.

(ii) Challan has been presented against accused-Jatin only and he has not been declared proclaimed offender.

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

(iv) As per statement made by HC Meena, accused Jatin is not involved in any other case.

(v) In compliance of direction issued by Hon'ble High Court, a notice was issue to IO/HC Sudha. However, HC Meena Belt no.1142/Faridabad appeared and informed that IO/HC Sudha is on earned leave. He brought the case record and suffered a statement as per record to the effect that Ms. Sonia is the only victim/complainant in the present FIR.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled between the parties. The petitioner and respondent No. 2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein the statements at the stage of first motion have been recorded. A sum of Rs.2,70,000/- shall be paid to respondent No.2 on account of permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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.

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. 09 dated 11.01.2021, under Sections 498-A/323/506/406 IPC, registered at Women Police Station Ballabgarh, District Faridabad and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

25.07.2022

Janki

**(VIVEK PURI)
JUDGE**

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