

263 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14258-2022 (O&M)

Date of Decision: 05.08.2022

SANDEEP BHARDWAJ ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Surender Saini, Advocate for the petitioner.
Mr. Vikas Bhardwaj, AAG Haryana.
Mr. Jaswinder Singh Rana, Advocate for
Mr. P.R. Yadav, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 621 dated 16.12.2020, under sections 323/406/498-A/506 IPC (Section 354-A & 34 IPC deleted in Challan) registered at Police Station Kundli, District Sonapat and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 04.04.2022, 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 04.04.2022, learned Judicial Magistrate First Class, Sonipat has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“7. So, in view of the aforesaid facts, I am satisfied that the compromise effected between the parties is without any pressure, fear, threat, coercion or undue influence from either of the sides and is a

voluntary and genuine compromise.

8. The Investigating officer of this case namely ASI Rajesh, Belt no. 780/SPT Sonapat also appeared before the court and filed his report stating that accused namely Sandeep Bhardwaj, Bimla, Surender, Pradeep and Renu were arrayed in the present FIR. However, after investigation, only accused Sandeep Bhardwaj was charge sheeted in the case and accused namely Bimla, Surender, Pradeep and Renu were not charge sheeted. Accused Sandeep Bhardwaj appeared before the court for recording his statement regarding compromise. The Investigating Officer has further stated that no accused person has been declared as proclaimed offender in the above said case and the accused persons are not involved in any other criminal case. He has also stated that in the present case there was only one complainant/victim namely Jyoti. Statement of ASI Rajesh Belt No. 780/SPT has been recorded to that effect separately.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of Compromise Deed/Settlement, Annexure P-3. 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 of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs. 4 Lakhs to the respondent No.2 on account of permanent alimony. A sum of Rs. 2 Lakhs has already been paid at the time of recording the statements at the stage of first motion. No other case is pending between the parties.

During the course of investigation, the offence under Section 354-A and 34 IPC have been deleted and all other accused except the petitioner have been found to be innocent.

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-3). 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. 621 dated 16.12.2020, under sections 323/406/498-A/506 IPC (Section 354-A & 34 IPC deleted in Challan) registered at Police Station Kundli, District Sonapat and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

05.08.2022

Janki

(VIVEK PURI)
JUDGE

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