

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13628-2022 (O&M)

Date of Decision: 30.08.2022

SONU

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mayank Gupta, Advocate for the petitioner.

Mr. Zorawar Singh Chauhan, DAG Haryana.

Ms. Ramneet Kaur Nijjar, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 130 dated 11.11.2019 registered under Sections 323, 376-D, 498-A, 406 of the Indian Penal Code (later on Section 376-D was deleted) at Police Station Women, Karnal and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 27.04.2022, 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 send its report regarding genuineness of the compromise.

In compliance of the order dated 27.04.2022, learned Judicial Magistrate 1st Class, Karnal has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ (i) In the present FIR there are four accused namely Sonu, Rajinder, Subash & Ram Murti but during the investigation accused Rajinder, Subash & Ram Murti were found innocent and challan was presented against accused Sonu.

(ii) No accused was declared PO in the present case.

(iii) Yes, the compromise between the parties is valid and genuine and has been effected without there being any kind of influence or coercion.

(iv) No other criminal case is pending against the accused persons.

(v) Statement of IO/ASI Sarita (now terminated) is recorded and as per her statement Sapna Sharma is the only complainant in the present FIR.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 18.04.2016 and a male child has been born from the wedlock. 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 the judgment and decree dated 09.08.2022 in Family Court at Karnal. Initially, the FIR was also registered under Section 376-D IPC but the same has been deleted during the course of investigation. Furthermore, the other family members of the petitioner were found innocent during the course of investigation. Even the charges have been framed by the learned trial Court against the petitioner under Sections 323, 406, 498-A and 506 IPC. The custody of the minor child shall remain with respondent No.2.

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-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. 130 dated 11.11.2019 registered under Sections 323, 376-D, 498-A, 406 of the Indian Penal Code (later on Section 376-D was deleted) at Police Station Women, Karnal and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

30.08.2022

Janki

**(VIVEK PURI)
JUDGE**

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