

271 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15114-2022
Date of Decision: 03.08.2022

VIKRANT SHARMA AND OTHERS ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. S.K.Choudhary, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Ashwani Talwar, 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. 278 dated 30.05.2019 under Sections 323/354/406/498-A and 506 IPC registered at Police Station Yamuna Nagar City, District Yamuna Nagar on and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 18.04.2022, 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 18.04.2022, learned Judicial Magistrate 1st Class, Yamuna Nagar at Jagadhri has recorded the statements of the parties and submitted the report, the relevant para whereof reads as

under:-

“1. There are six persons who have been arrayed as accused persons in the present FIR No.278 dated 30.05.2019 registered under Sections 323, 354, 406, 498-A and 506 IPC at Police Station, City Yamuna Nagar. However, one accused namely Sandeep Sharma has been kept in column No.2 being found as innocent.

2. None of the accused person is proclaimed offender in the present case.

3. The compromise arrived at between the parties is genuine, voluntary and without any coercion or undue influence.

4. None of the accused persons are involved in any other FIR except the present case in P.S City, Yamuna Nagar.

5. As per the statement of Investigating Officer HC Shimla No.1037 YNR, P.S City Yamuna Nagar, District Yamuna Nagar, in the present case/F.I.R., there are six accused and one accused namely Sandeep Sharma was kept in column No.2 being found as innocent. Inquiry was conducted by DSP. Challan is pending against accused Vikrant Sharma and investigation is also pending against the accused Vibha Sharma and Gaurav Sharma in present F.I.R. Only challan has been filed against accused namely Sudesh Sharma and Lalita Sharma. No any other FIR or case is pending against either of the parties at P.S City Yamuna Nagar. Only one victim/complainant namely Aditi Dang is there in the present FIR. None of the persons involved in the present FIR have been absconding or declared proclaimed offender in this case.

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court at Yamuna Nagar wherein the statements at the stage of first motion have been recorded. A sum of Rs. 24 Lakhs shall be paid on account of permanent

alimony as per the terms of compromise deed, Annexure P-2. 7 bank drafts in the sum of Rs. 1 Lakh each drawn on HDFC Bank in the name of respondent No.2 have been handed over to respondent No.2 through her counsel in the Court today. The parties have also agreed to withdraw the other cases pending against each other. Learned counsel for the petitioners has also submitted that due to typographical error in the memo of parties at page No.2, the “respondent Nos. 4 and 5” have been mentioned instead of “petitioner Nos. 4 and 5”.

On his oral request, necessary correction is carried out and “respondent Nos. 4 and 5” as mentioned at Page No.2 of the memo of parties be read as “petitioner Nos. 4 and 5”. Registry to do the needful.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is quashed.

Although in the report, it has been mentioned that challan has been presented against petitioner No.1. However, learned State counsel has fairly submitted that as per his instructions the challan has been presented against Lalita Sharma and Sudesh Sharma, petitioner Nos. 2 and 3 respectively. Petitioner No.1 has joined the investigation and is on anticipatory bail. The arrest of petitioner Nos. 4 and 5 has been stayed.

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. 278 dated 30.05.2019 under Sections 323/354/406/498-A and 506 IPC registered at Police Station Yamuna Nagar City, District Yamuna Nagar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

03.08.2022

Janki

(VIVEK PURI)
JUDGE

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