

**268 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH**

CRM-M-13974-2022(O&M)
Date of Decision: 04.08.2022

Ankush

...Petitioner

V/S

State of Haryana and Another

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.K. Vashisht, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. M.S. Chahal, Advocate
for respondent No. 2.

VIVEK PURI J. (Oral)

This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 1050, dated 07.12.2018 registered under Sections 34/323/354/354-A/406/498-A and 506 IPC (Sections 34/354 and 354-A IPC deleted later on during investigation) of Indian Penal Code at Police Station City Ballabgarh, District Faridabad and all consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 02.04.2022, 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 aforesaid order, report has been received from the court of Ld. Judicial Magistrate Ist Class, Faridabad and relevant portion of the same is reproduced below:

"In view of the above, I am of the considered opinion that genuine

compromise has ben entered into between the aforesaid parties voluntarily, without any coercion or undue influence.”

The statement of the Investigation Officer has also been annexed with the report, which indicates that there is only one complainant, who is respondent No. 2 and one accused namely the petitioner, who has not been declared proclaimed person. Furthermore, the petitioner in not required in any other case.

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of the compromise dated 11.03.2022 (Annexure P-2). Offences under Sections 34/354 and 354-A have been deleted during the investigation. Marriage of the petitioner and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, vide judgment and decree dated 02.05.2022, passed by the court of Ld. Family Court, Faridabad. A minor daughter born from the wedlock shall remain in the custody of the petitioner. A sum of Rs. 7,25,000/- has been paid by the petitioner to respondent No. 2, on account of permanent alimony. Respondent No. 2 has withdrawn the application under Section 125 Cr.P.C. and under Section 12 of Protection of Women from Domestice Violence Act filed against the petitioner.

Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has stated that he has no objection if the 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. The compromise is without any pressure and 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. 1050 dated 07.12.2018 under Sections 34/323/354/354-A/406/498-A and 506 IPC (Sections 34, 354 and 354-A IPC deleted during investigation) registered at Police Station City Ballabhgarh, District Faridabad, (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

04.08.2022

Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No