

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-7596-2022 in/and
CRM-M-15367-2021 (O&M)
Date of Decision: 09.03.2022

SUNIL KUMAR

... PETITIONER

VS.

STATE OF HARYANA AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Mahender Singh Chahal, Advocate, for the petitioner.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana.

Mr. Sanjeev Kumar Birla, Advocate, for respondent No.3.

VIVEK PURI, J.(ORAL)

The matter has been taken up through video-conferencing due to COVID-19 pandemic.

CRM-7596-2022

This is an application for preponement of the case which is stated to be fixed for 18.10.2022.

Notice in the application.

Mr. Zorawar Singh Chauhan, Deputy Advocate General, Haryana, accepts notice on behalf of respondents No. 1 and 2 and Mr. Sanjeev Kumar Birla, Advocate, also accepts notice on behalf of respondent No.3. They state that they have no objection if the matter is taken up on Board today itself.

By recording no objection from the counsel for the respondents, the main case is taken up on Board today itself.

Application is disposed of.

CRM-M-15367-2021 (O&M)

Petitioners have approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 0481 dated 21.06.2019 under Sections 323/34/498-A/506 IPC registered at Police Station Bhiwani Sadar, District Bhiwani and all the subsequent proceedings arising therefrom on the basis of compromise.

On 07.04.2021, the parties were directed to get their statements recorded before the learned trial Court/ Duty Magistrate.

In compliance of the order dated 07.04.2021, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Bhiwani, has sent the report. The relevant paragraph of the same is reproduced here-in-below:-

“As per the direction of the Hon'ble High Court, this court has to submit a report containing the following information and the same are as under:-

i) regarding genuineness and voluntary nature of the compromise:

As per the statements of complainant as well as accused, they have compromised the matter without any pressure, coercion or undue influence. After perusing the statements of both sides, this court has found that the compromise has taken place between both the parties and the same is genuine. Also the same has taken place without any pressure.

ii) Whether all the accused/petitioners are appearing before the court or are on bail;

There is only one accused in the present FIR and he is on bail and appeared before the court.

iii) Whether any other proceedings is pending against

the accused/petitioner.

No other case is pending against the accused/petitioner as per the report of MHC, PS Sadar Bhiwani.”

It has been contended that the matrimonial dispute has been amicably settled between the parties. Petitioner No.1 and respondent No.3 are now happily residing alongwith two children in the matrimonial house.

Learned counsel for respondent No.3 has not disputed the aforesaid factual aspect(s) 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***.

Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR No. 0481 dated 21.06.2019 under Sections 323/34/498-A/506 IPC registered at Police Station Bhiwani Sadar, District Bhiwani and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

09.03.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No