

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

**CRM-M-No.14349 of 2022
Date of Decision:08.09.2022**

Chetan and others

.....Petitioners

Vs.

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Mohit Sadana, Advocate for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Chirag Girdhar, Advocate for the respondent No.4.

VIVEK PURI, J.(Oral)

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.5 dated 15.01.2021 under Sections 323/406/498-A and 506 IPC(Section 377 and 354 IPC deleted later on), registered at Police Station Radaur, District Yamuna Nagar, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 13.05.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 13.05.2022, learned Judicial Magistrate 1st Class, Jagadhri, has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“It is submitted that I am satisfied that the matter has been settled between the parties amicably/voluntarily. Thus, the compromise in the present case is genuine, voluntary and without any coercion or undue influence. It is further submitted that as per statement of ASI Komal No.540, PS Radaur, Yamuna Nagar, total eight accused persons namely Chetan son of Mahavir Mala, Mahavir Mala son of Mam Chand, Maya wife of Mahavir Mala, Kalpana daughter of Mahavir Mala, Ashwani son of Mahavir Mala, Mukesh son of Mam Chand, Kaili wife of Puppy and Phoolly wife of Dhamman were arrayed as accused in the present FIR and challan was only presented against the accused persons namely Chetan son of Mahavir Mala, Mahavir Mala son of Mam Chand, Maya Wife of Mahavir Mala. In the present case, none of the accused has been declared proclaimed offender. The accused persons are not involved in any other case. There is only one victim/complainant namely Kajal daughter of Vinod Kumar in the FIR.”

Learned counsel for the petitioners contends that the marriage of petitioner No.1 was solemnized with respondent No.4 on 12.01.2018, but no child was born out from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise Annexure P-2. The offences under Section 377 and 354 of IPC have been deleted. The marriage of petitioner No.1 and respondent No.4 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 in terms of judgment and decree dated 11.07.2022 passed by the learned Family Court, Yamuna Nagar. The articles of *Stridhan* has been returned and a sum of Rs.01,80,000/- has been paid on account of permanent alimony to respondent No.4. No other case is pending between the parties.

Learned counsel for respondent No.4 states that she has no objection if FIR is quashed.

After hearing the 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, 5 dated 15.01.2021 under Sections 323/406/498-A and 506 IPC(Section 377 and 354 IPC deleted later on), registered at Police Station Radaur, District Yamuna Nagar and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

(VIVEK PURI)
JUDGE

08.09.2022
Anjal

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No