

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

**CRM-M-14559-2022
Date of Decision: 08.08.2022**

**PREM RAJ KAUSHIK AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Amit Choudhary, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Gaurav Gupta, 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. 21 dated 14.02.2022 under Sections 323/34/406/498-A/506 IPC registered at Women Police Station, Ballabgarh, District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 06.04.2022, 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 06.04.2022, learned Judicial Magistrate Ist Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

1	Number of persons arraigned as accused in FIR	As per the IO, there were four accused in the FIR, however name of one accused has been deleted and now there are only three accused persons in the present case.
2	Whether any accused is proclaimed offender	There is no proclaimed offender in the present FIR.
3	Whether the compromise is genuine, voluntary and without any coercion or undue influence	The compromise between the parties is genuine, voluntary and without any coercion or undue influence.
4	Whether the accused persons are involved in any other case or not	Accused are not involved in any other case.
5	The trial Court is also directed to record the statement of the IO as to how many victims/complainants are there in the FIR.	As per record, there is only one complainant in the present case.

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled between the parties. The petitioner No.4 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein the statements at the stage of first motion have been recorded. A sum of Rs. 10 Lakhs shall be paid to respondent No.2 on account of permanent alimony and a sum of Rs.5 Lakhs has already been paid and the balance amount of Rs. 5 Lakhs shall be paid at the time of recording statements at the stage of second motion. A male child born from the wedlock shall remain in custody of petitioner No.4 and he shall also get prepared an FDR in the sum of Rs. 8 Lakhs in the name of the minor son. Furthermore, the name of petitioner No.3 has been deleted during the course of investigation and as

such, the name of petitioner No.3 may be deleted from the memo of parties.

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

The name of petitioner No.3 stands deleted from the memo of parties. Registry is directed to do the needful.

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. 21

Women Police Station, Ballabgarh, District Faridabad and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

08.08.2022

Janki

**(VIVEK PURI)
JUDGE**

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