

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21824-2022
Date of Decision: 05.09.2022

VINAY ... PETITIONER
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Gopal Soni, Advocate,
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Samar Pratap S. Ahluwalia, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 247 dated 28.08.2020 under Sections 323/377/498-A and 506 IPC (Section 406 IPC has been deleted) registered at Police Station Industrial Area, Bhiwani and all the consequential proceedings arising therefrom on the basis of compromise.

On 27.05.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 27.05.2022, the statements of the parties have been recorded and the learned Additional Chief Judicial Magistrate, Bhiwani, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“ I) There are five persons arrayed as accused in FIR whereas report under Section 173 Cr.P.C.was filed against only one accused namely Vinay.

ii) None of the accused is declared proclaimed offender.

iii) The compromise is genuine, voluntary and

without any coercion or undue influence.

iv) Accused is not involved in any other criminal case.

v) Statement of Investigating Officer ASI Babita was recorded and she stated that there is only one complainant/victim namely Shikha.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 21.05.2013 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise contained at Annexure P-2. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 08.08.2022 passed by the learned Family Court, Bhiwani. Respondent No.2 has received all her articles of *istridhan* and she does not claim any permanent alimony and no other case is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further 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.247 dated 28.08.2020 under Sections 323/377/498-A and 506 IPC (Section 406 IPC has been deleted) registered at Police Station Industrial Area, Bhiwani and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

05.09.2022
smriti

(VIVEK PURI)
JUDGE

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