

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

CRM-M-15987-2022
Date of Decision: 22.11.2022.

NIRAJ KUMAR ... PETITIONER
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Lokesh Sharma, Advocate, for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Sumit Sharma, Advocate for
Mr. Ashwani Bhardwaj, Advocate
for respondent No.2.

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VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No.27 dated 20.07.2020 under Sections 323/377/406/498-A/506/34 IPC registered at Police Station Women Cell Bahadurgarh, District Jhajjar and all the consequential proceedings arising therefrom on the basis of compromise.

On 20.04.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 20.04.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Bahadurgarh, has sent the report and the relevant portion whereof reads as under:-

“(1) As per Investigating Officer, six accused persons namely Neeraj, Satbir, Krishna W/o Satbir, Ritu W/o Rakesh, Rakesh and Rajender were arraigned in present case FIR No.27/2020 & Under Section:-323/377/406/498-A/506/34 of IPC. During investigation, accused Satbir, Krishna W/o Satbir, Ritu W/O Rakesh, Rakesh and Rajender were found innocent and kept in column No.2. It is further submitted that no accused have been declared as proclaimed person in this case.

(2) The name of the complainant in this case is Krishma and she has appeared before the Court and made her statement dated 23.05.2022 in support of compromise with accused person.

(3) As per the record, the case is at the stage of prosecution evidence.

(4) As per the respective statements, parties have compromised the matter out of their sweet will and the compromise is genuine, voluntarily and without any coercion or undue influence.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 22.06.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled in terms of compromise contained at Annexure P-2. Initially, the FIR was registered against the petitioner and five other family members. However, after investigation, challan has been presented only against the petitioner with regard to the offence under Sections 406 and 498-A IPC. The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu marriage Act for dissolution of marriage by mutual consent wherein statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs.7 lac to respondent No.2 on account of permanent alimony. A sum of Rs.3,50,000/- on account of part payment of alimony has been paid to respondent No.2 and no other case is pending between the parties.

Learned counsel appearing 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.27 dated 20.07.2020 under Sections 323/377/406/498-A/506/34 IPC registered at Police Station Women Cell Bahadurgarh, District Jhajjar 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.

22.11.2022
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(VIVEK PURI)
JUDGE

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