

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

**CRM-M-16885-2022
Date of Decision: 01.12.2022**

**MAJOR SANJEET SINGH RANDHAWA ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Saurabh Kapoor, Advocate for the petitioner.
Mr. Dhruv Sihag, AAG Haryana.
Mr. Fateh Saini, Advocate, for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.151 dated 10.10.2018 under Sections 406, 498-A IPC registered at P.S Panjokhra, District Ambala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 25.04.2022 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 25.04.2022, learned Judicial Magistrate First Class, Ambala has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“1. Statement of complainant Ms.lshanpreet Kaur and accused Major Sanjeet Singh (annexure-1) has been recorded on solemn affirmation in which they stated that they have compromised the matter with each other voluntarily and without any fear or pressure.

2. After careful perusal of the statement given on solemn affirmation by the complainant as well as

accused concerning the present case and after careful analysis of the same, this court is convinced that the compromise between the parties in question is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Therefore, this court is of the thoughtful opinion that the available material on record is in favour to reflect a valid compromise between the parties.

3. After perusal of the case file, it is clear that no one is proclaimed offender/absconding in the present case. As per report under section 173 Cr.P.C accused Major Sanjeet Singh was arrayed as accused in the present case and except Ms.Ishanpreet Kaur there is no other complainant. As per their statement, accused is not involved in any other criminal case and only proceeding under section 13-B of Hindu Marriage Act for mutual divorce is pending between parties. ”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 31.05.2015 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure C-1. 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 both the stages of motion have been recorded. However, the said petition has not been finally disposed of. The claim of respondent No.2 for permanent alimony and articles of *istridhan* has been settled. The respondent No. 2 has withdrawn the petition under Section 12 of Protection of Women from Domestic Violence Act. No other case is pending between the 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.

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.151 dated 10.10.2018 under Sections 406,498-A IPC registered at P.S Panjokhra, District Ambala and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

01.12.2022

Janki

(VIVEK PURI)
JUDGE

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