

272 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-16404-2022
Date of Decision: 03.08.2022

NARESH SHARMA

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manjeet Singh, Advocate for the petitioners.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Ajay Beniwal, 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. 110 dated 26.09.2017 under Sections 498-A, 406 IPC (Sections 506 & 34 IPC deleted) registered at Police Station Women, District Jind on 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 25.04.2022, learned Addl. Chief Judicial Magistrate, Jind has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“i) The complaint was lodged against seven persons namely Naresh Attri son of Som Dutt, Som Dutt, Kamla, Anjali, Mahesh, Naresh Sharma son of Puna Ram and Kusum wife of Naresh Sharma. The final investigation report arrayed only Naresh son of Som Dutt as an accused in the case.

(ii) As per statement of I.O. ASI Geeta, Naresh son of Som Dutt is not involved in any other case and has not been proclaimed in this case.

(iii) Charge had been framed in this case on 14.12.2017. The case thereafter proceeded for evidence of prosecution and was now pending for arguments on application under Section 319 Cr.P.C. before the predecessor Court of Sh. Sukhdev Singh, the then JMIC Jind. The application prayed for summoning Som Dutt, Kamla Devi and Anjali Shama as additional accused in this case.

(iv) As per the respective statements of complainant Shikha and accused Naresh, the compromise appears to be genuine and voluntary. But the fact of the complainant having moved an application under Section 319 Cr.P.C., praying for summoning of three additional accused, might go to show the absence of will of complainant Shikha, for compromising the matter.

(v) The compromise, as per the respective statements of complainant Shikha and accused Naresh, has been effected between them.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The marriage of petitioner with respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 13.07.2022 passed by the learned Family Court, Jind. A sum of Rs. 5 Lakhs has been paid on account of permanent alimony to respondent No.2. Respondent No.2 had moved an application under Section 319 Cr.P.C. in the trial Court for summoning the other relatives of the petitioner as accused. However, the application under Section 319 Cr.P.C. has been withdrawn by respondent No.2. 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.

Learned Addl. Chief Judicial Magistrate in the report has submitted that an application under Section 319 Cr.P.C. for summoning 3 additional accused is pending, which might be showing absence of will of the complainant for compromising the matter. However, learned counsel for the parties are ad idem that the said application under Section 319 Cr.P.C. has been withdrawn.

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. 110 dated 26.09.2017 under Sections 498-A, 406 IPC (Sections 506 & 34 IPC deleted) registered at Police Station Women, District Jind and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

03.08.2022

Janki

**(VIVEK PURI)
JUDGE**

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