

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

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CRM-M-17392 of 2022 (O&M)

Date of decision : 31.08.2022

Balraj and ors.

.....Petitioners

VERSUS

State of Haryana and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. Ashit Malik, Advocate, for the petitioners.

Mr. Zorawar Singh, DAG, Haryana.

Mr. Sagar Aggarwal, Advocate, for respondent No.2.

VIVEK PURI, J. (Oral)

Through instant petition, the petitioners are seeking to quash the FIR No.95 dated 14.05.2018 under Sections 323, 377, 406, 498A, 506, 34 IPC, registered at Police Station Women Police Station Jind, District Jind, on the basis of compromise dated 10.04.2022 (Annexure P-4).

On 27.04.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 27.04.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Kapurthala, has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“1. Applicants/Petitioners- Balraj, Mahabir Singh and Bimla Devi and respondent No.2 Pooja appeared before the Court of undersigned to get their statement recorded.
2. The separate statements of complainant-Pooja and accused-Balraj, Mahabir Singh and Bimla Devi recorded qua the compromise as per the directions of Hon'ble High Court. The statements were recorded after ensuring that the parties to the case were deposing voluntarily and without any pressure, coercion or undue influence. The parties have stated that they have*

compromised the matter voluntarily. The photocopy of Aadhar Card of complainant and accused persons have been taken on record to establish their identify.

3. As per the respective statements of complainant and accused persons the compromise seems to have been effected voluntarily and further seems to be genuine compromise.

5. Statement of Investigating Officer I.O/ASI Prem Kumari recorded. As per her statement, investigation of the present case has completed and report under Section 173 Cr.P.C. Has been submitted. None of the accused have declared proclaimed offender. No other case is pending against the accused persons namely Balraj, Mahabir Singh, Bimla Devi and Shakti, however during investigation nothing incriminating was found against accused Shakti son of Mahabir and his name was kept in column no.12. No specific compromise deed has been produced by the parties, however, both the complainant and the accused have suffered their separate statements regarding compromise entered into between them and also countersigned their statements admitting the same as correct.”

Learned counsel for the petitioners contends that marriage of petitioner No.1 was solemnized with respondent No.2 on 15.02.2013 and a daughter has been born from the wedlock. Initially, the allegations were also levelled against Shakti Singh, the brother of petitioner No.1 but he was found innocent during the course of investigation. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-4. Marriage of the petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce in terms of the judgment and decree dated 29.04.2022 under Section 13-B of Hindu Marriage Act, 1955, passed by learned Family Court, Jind. A sum of Rs. 8,25,000/- has been paid to respondent No.2 on account of permanent alimony. The custody of minor child shall also remain with respondent No.2.

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.95 dated 14.05.2018 under Sections 323, 377, 406, 498A, 506, 34 IPC, registered at Police Station Women Police Station Jind, District Jind, is ordered to be quashed, however, qua the petitioners only.

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

31.08.2022

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned :	Yes/No
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<i>Whether reportable</i>	<i>Yes/No</i>
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