

268 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18287-2022
Date of Decision: 30.08.2022

ANUJ KUMAR AND OTHERS ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Ishita Jain, Advocate for
Mr. Namit Khurana, Advocate for the petitioners.

Mr. Zorawar Singh Chauhan, DAG Haryana.

Mr. Sandeep Sharma, 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. 607 dated 18.04.2017 registered under Sections 498-A, 323, 406, 506 of the Indian Penal Code at Police Station Jagadhri City, District Yamuna Nagar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 02.05.2022, 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 02.05.2022, learned Chief Judicial Magistrate, Yamuna Nagar at Jagadhri has recorded the statements

of the parties and submitted the report, the relevant portion whereof reads as under:-

“In these circumstances, it is concluded that the statements of the complainant and accused persons are bona fide and are not result of any threat, duress or coercion in any manner and hence compromise effected between complainant and accused is voluntarily without any threat or coercion and is valid one.

In compliance of the orders passed by Hon'ble High Court, the Investigating Officer i.e. SI Ombir Singh was called through notice and his statement has been recorded, which is Annexure-IV (Annexed herewith in original) and as per the statement of the Investigating Officer, it is reported that:-

i) The present complaint was lodged by the complainant Rajni against six accused persons and all accused are facing trial.

ii) Accused persons have not been declared Proclaimed Person by any Court of Law in this case.

iii) No other criminal proceeding is pending against the accused persons.

iv) In the present case there is only one victim/complainant namely Rajni”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 25.07.2015 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act at Family Court, Yamuna Nagar, Jagadhri for dissolution of marriage by mutual consent wherein the statements of the parties at the stage of first motion have been recorded. 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. 607 dated 18.04.2017 registered under Sections 498-A, 323, 406, 506 of the Indian Penal Code at Police Station Jagadhri City, District Yamuna Nagar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

30.08.2022

Janki

(VIVEK PURI)
JUDGE

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