

257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19180-2022
Date of Decision: 05.07.2022

Rajesh ... Petitioner

v/s

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Yash Dev Kaushik, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. V.D. Sharma, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 154 dated 08.04.2019 registered under Sections 498-A, 494, 323, 506, 406 of the Indian Penal Code at Police Station Old Faridabad, District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 06.05.2022, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 06.05.2022, learned Judicial Magistrate 1st Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“The specific report on the requisite points is as under:-

Point (1) : Number of persons arrayed as accused?.

Report: As per report under Section 173 Cr.P.C., there is only one accused namely Rajesh.

Point (2) : Whether any accused is proclaimed offender?

Report: No.

Point (3) : Whether the compromise is genuine, voluntary and without any coercion or undue influence?

Report: Yes. Compromise is genuine.

Point (4) : Whether the accused persons are involved in any other FIR or not?

Report: No.

Point (5) : How many victims/complainants are there in the FIR?

Report: There is only one victim/complainant namely Pinky.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties. The marriage of petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act. The custody of the minor child shall remain with respondent No.2.

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. 154 dated 08.04.2019 registered under Sections 498-A, 494, 323, 506, 406 of the Indian Penal Code at Police Station Old Faridabad, District Faridabad and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

05.07.2022

Janki

**(VIVEK PURI)
JUDGE**

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