

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20929-2022

Date of Decision: 08.12.2022

SURESH CHANDER AND ANOTHER ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Mayank Goyal, Advocate
for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Kunal Youraj Verma, Advocate for
Mr. Eeshan Garg, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.0775 dated 20.11.2010 under Sections 406/498-A, 34 IPC registered at Police Station City Sirsa, District Sirsa and all the subsequent proceedings arising therefrom on the basis of compromise.

On 16.05.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 16.05.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Sirsa, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Complainant named Mamta @ Babli daughter of Babu Lal, resident of Noharia Bazar, Sirsa has got recorded her statement separately to the effect that the matter has been compromised with accused with her free consent in case FIR

No.775 of 2010. She also deposed that she has no objection if aforesaid FIR is quashed against accused.

Accused Suresh son of Manphool Singh, resident of Village Kumharia, Sirsa and accused Neeru Bala daughter of Jagdish Chander, resident of V.P.O. Kuttabadh, Tehsil Rania, Distt. Sirsa have made separate statements to the effect that the matter has been compromised with complainant. They requested to quash the aforesaid FIR.

Both the parties were duly identified by their respective lawyers. Complainant and accused also submitted copy of their identity cards.

Besides recording the statements of the parties, the Court has also duly enquired about the compromise between two sides independently from the complainant and accused as well as their counsels. Both the counsels representing the parties have also stated that the matter has been compromised between the parties with their free consent and there is no ill will between them. So, after perusal of statements of the parties and after enquiring from the parties independently as well as their counsels, the Court is of the opinion that the compromise arrived between the parties is genuine and voluntarily made, without any undue influence, coercion threat or pressure.

No other person except above-mentioned is nominated as accused in present case. Final report under Section 173 Cr.P.C. is filed only against them. No other person except complainant is aggrieved in present case. No accused has been declared proclaimed offender. ”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 25.03.2006 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of memorandum of understanding (Annexure P-4). The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of the judgment and decree dated 13.11.2020 passed by the learned Family Court, Sirsa. A sum of Rs.8 lac has been paid to respondent No.2 on account of permanent alimony. Respondent No.2 has received all the articles of *istridhan* and the minor son will remain in the custody of respondent No.2. No other case is pending between the parties.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. 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.0775 dated 20.11.2010 under Sections 406/498-A, 34 IPC registered at Police Station City Sirsa, District Sirsa and all the subsequent proceedings arising therefrom on the basis of compromise is ordered to be quashed, however, qua the petitioners only.

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

08.12.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No