

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

CRM-M-20707-2022

Date of decision: 21.09.2022

Ravi Kumar and others

.....Petitioners.

vs.

State of Haryana and another

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE VIVEK PURI

Present: - Mr. S.S. Sarwara, Advocate, for the petitioners.

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

Mr. SPS Chakkal, Advocate, for respondent No. 2.

.....

VIVEK PURI, J.

Petitioners have approached this Court by way of instant petition filed under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No. 92 dated 28.06.2017 under Sections 323, 406, 498-A IPC, registered at Women Police Station, Ambala, District Ambala, and all the consequential proceedings arising therefrom, on the basis of compromise.

On 16.05.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 16.05.2022, learned Judicial Magistrate, Ist Class, Ambala, has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

(i)	Number of accused arrayed in FIR?	As per I.O FIR was registered against five accused persons namely Ravi Kumar, Subhash Chand, Sudesh Kumari, Rekha and Hema @ Hemu only.
(ii)	Whether any of the party is a proclaimed offender?	As per IO of the case, no proclamation proceedings have ever been initiated against any of the accused and others. FIR is pending against them in P.S. Women.
(iii)	Whether the compromise is genuine, Voluntary and without any coercion or undue influence?	Both the parties have admitted that the compromises have been effected by them and it appears to be genuine and valid. I am satisfied that the compromise have been arrived at with the free consent of the parties and without any undue influence or coercion from any side.
(iv)	Whether accused persons are involved in any other case or not?	As per I.O. no other case is pending against any of the parties at P.S. Women, Ambala.
(v)	How many victims/complainants are there in the FIR?	As per I.O., only Neha Narang is complainant/victim in the present case.

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 05.03.2016 but no child was born out of the said wedlock. The marriage of petitioner No. 1 and respondent No. 2 has been dissolved in terms of the judgment and decree dated 28.10.2021 under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the Family Court, Ambala. No other case is pending between the parties.

Learned counsel for respondent No.2 states that she has no objection if FIR is quashed.

After hearing the 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. FIR No. 92 dated 28.06.2017 under Sections 323, 406, 498-A IPC, registered at Women Police Station, Ambala, District Ambala and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

21.09.2022
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(VIVEK PURI)
JUDGE

whether speaking/reasoned	yes/no
whether reportable	yes/no