

290 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21637-2022
Date of Decision: 17.10.2022

PARVESH RATHEE AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankur Dua, Advocate for the petitioners.
Mr. Karan Garg, AAG Haryana.
Mr. Abhimanyu Kalsi, Advocate for
Mr. Rakesh Dhiman, 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. 315 dated 22.07.2010, under sections 406, 498-A, 506 IPC registered at Police Station Sadar Bahadurgarh and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 28.07.2022, 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 28.07.2022, learned Judicial Magistrate Ist Class, Bahadurgarh has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1. As per Investigating Officer, there were three accused namely Parvesh Rathee, Ranbir Rathee and Kamlesh Rathee. No one was declared PO in this case. There are no other cases pending against the accused persons. In this case only one

person namely Rekha Rani is the complainant.

2. No one was declared PO in this case.

3. As per the respective statements, parties have compromised the matter out of their sweet will and the compromise is genuine, voluntarily and without any coercion or undue influence.

4. As per the statement of IO, there are no other cases pending against the accused person.

5. As per the statement of IO, in this case there is one complainant namely Rekha Rani.”

Learned counsel for the petitioners contend that marriage of petitioner No.1 was solemnized with respondent No.2 on 21.11.2007 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce under Section 13-B of the Hindu Marriage Act by mutual consent in terms of the judgment and decree dated 23.05.2022 passed by the learned Family Court, Rohtak. A sum of Rs. 15 Lakhs has been paid on account of permanent alimony to respondent No.2. The other cases pending between the parties have been withdrawn. There was allegation in the FIR with regard to commission of offence under Section 313 IPC but the same has been deleted and was not added at the time of presentation of challan. The offence under Section 313 IPC was added in the charge by the trial Court but the petitioners had preferred a revision petition and the charge qua the offence under Section 313 IPC has been set aside by this Court in terms of the order dated 30.05.2018 passed in CRM-M-12867-2013.

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. 315 dated 22.07.2010, under sections 406, 498-A, 506 IPC registered at Police Station Sadar Bahadurgarh and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

17.10.2022

Janki

**(VIVEK PURI)
JUDGE**

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