

292 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24156-2022
Date of Decision: 17.10.2022

VIJENDER KUMAR

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.S.Tewatia, Advocate for the petitioner.

Mr. Karan Garg, AAG Haryana.

Mr. Rajender Kumar, 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. 794 dated 08.10.2018, under sections 323, 406, 498-A, 506 IPC registered at Police Station Sadar Palwal, District Palwal 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 Addl. Chief Judicial Magistrate, Palwal has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1. Number of persons arraigned as accused in FIR.

There is only one accused i.e. Bijender Kumar.

2. Whether any accused is proclaimed offender.

No accused has been declared as proclaimed offender in the present case.

3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

The compromise seems to be genuine, voluntary and without any coercion and undue influence.

4. Whether the accused persons are involved in any other case or not.

The accused is not involved in any other case.

5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.

There is only one victim/complainant in the present case i.e. Guddi.”

Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with respondent No.2 about 10/15 years prior to the registration of the FIR. Although the FIR was registered against the petitioner and his 5 relatives, but the relatives have been found to be innocent and challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner and respondent No.2 have resumed cohabitation. Respondent No.2 is happily residing with the petitioner in the matrimonial home.

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. 794 dated 08.10.2018, under sections 323, 406, 498-A, 506 IPC registered at Police Station Sadar Palwal, District Palwal and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

17.10.2022

Janki

(VIVEK PURI)
JUDGE

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