

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

**CRR-1453-2016 (O&M)**

**Date of Decision: July 11, 2022**

*Deepak Kumar*

*... Petitioner*

*Versus*

*State of Haryana and another*

*... Respondents*

**CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Rakesh Gupta, Advocate,  
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Arjun Atri, Advocate for  
Ms. Usha Rani, Advocate,  
for the respondent no.2/complainant.

**Vivek Puri, J.**

The petitioner has been arraigned as an accused in the case bearing FIR No. 65, dated 12.02.2013, under Sections 498A, 406, 506 of the Indian Penal Code (for short 'IPC'), registered at Police Station City, Fatehabad. In terms of the judgment of conviction dated 02.02.2015, the petitioner was convicted under Section 498-A IPC by the Court of learned Chief Judicial Magistrate, Fatehabad. Thereafter, in terms of order dated 04.02.2015, he was sentenced to undergo rigorous imprisonment for a period of

two years and to pay a fine of Rs. 1000/- for having committed the offence under Section 498-A IPC. It was further directed that in default of payment of fine, he shall undergo simple imprisonment for a period of one week.

The petitioner preferred an appeal for setting aside the judgment of conviction and order of sentence and the same has been dismissed in terms of the judgment dated 18.02.2016 passed by the Court of learned Additional Sessions Judge, Fatehabad.

The petitioner has assailed the aforesaid judgments by way of present revision petition.

During the pendency of the revision petition, an application bearing No. CRM-44650-2021 has been moved for compounding the offence on the basis of affidavit (Annexure A-1) of the complainant/respondent no.2 as the compromise has been effected between the parties.

In terms of the order dated 08.03.2022, the private parties were directed to appear before the learned Illaqa Magistrate/Duty Magistrate to get their statements recorded with regard to the genuineness and authenticity of the compromise.

In compliance of the order dated 08.03.2022, the parties have appeared before the learned trial Court and got their statements recorded. The learned Chief Judicial Magistrate, after recording the statements of the parties, has

sent the report dated 27.04.2022. The relevant portion of the report is reproduced as following:-

*“It is further respectfully submitted that from the above statements of the parties i.e. accused (petitioner before Hon’ble High Court) namely, Deepak Kumar and complainant (respondent no.2 before Hon’ble High Court) namely, Sneh Lata recorded before the undersigned, the compromise arrived at between the parties appears to be genuine, voluntarily and out of the will and it also appears that the statements of the parties are not the result of any pressure or coercion in any manner.”*

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of affidavit 10.01.2017 (Annexure A-1). The marriage between the petitioner and the respondent no.2 has been dissolved by a decree of divorce under Section 13 of the Hindu Marriage Act in terms of the ex parte judgment and decree dated 14.09.2017 passed by the court of learned Additional District Judge, Fatehabad. The child born from the wedlock shall remain in custody of the complainant/respondent no.2. The lumpsum amount of Rs. 2 lakhs on account of permanent alimony has been paid to the respondent no.2. No other case is pending between the parties. Furthermore, the custody certificate indicates that

the petitioner has already undergone imprisonment for a period of 06 months and 18 days.

Learned counsel for the respondent no.2 states that he has no objection, if the impugned judgments are 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, 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.

The controversy in the instant case does not indicate that the same involves heinous or serious offence 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, judgment of conviction dated 02.02.2015 and order of sentence dated 04.02.2015 passed by the court of learned Chief Judicial Magistrate, Fatehabad, as well as, judgment dated 18.02.2016 passed by the court of learned Additional Sessions Judge, Fatehabad are set aside. The petitioner is acquitted and fine, if any, deposited be refunded.

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

**July 11, 2022**  
vkd

**[Vivek Puri]**  
**Judge**

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