

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

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**CRM-M-8649 of 2018
Date of decision: 14.12.2022**

Manish and Another

..Petitioners

Vs.

State of Haryana and Another

..Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Monika Jangra, Advocate for the petitioners.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

Mr. Pankaj Chugh, Advocate for respondent No.2.

VIVEK PURI, J.(ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.1139 dated 02.12.2015 registered under Sections 323/406/420/506/498A/34 IPC at Police Station Hisar Sadar, District Hisar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 04.02.2022, 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 04.02.2022, learned Judicial

Magistrate Ist Class, Hisar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

- (i) “It is submitted that after completion of the investigation of the present case report u/s 173 Cr.P.C. has been filed on 27.01.2016 against the accused persons namely Manish s/o late Sh. Ram Niwas and Bhagwanti w/o late Sh. Ram Niwas both residents of H.No.1924, near Govt. School, Chaudhariwas, Tehsil and District Hisar.
- (ii) As per the statement of IO/SI Mahender Kumar No.1227, PS Azad Nagar, Hisar, none of the accused have been declared as proclaimed offender.
- (iii) The present case was fixed for prosecution evidence.
- (iv) After careful perusal of the statements given on solemn affirmation by the complainant Komal as well that of accused Manish and Bhagwanti, the undersigned is convinced that the abovesaid persons have made their statements voluntarily, without any pressure, threat or inducement. The compromise entered into between the parties is genuine. Further, the compromise appears to be free from fraud or misrepresentation.”

Learned counsel for the petitioners contend that marriage of petitioner No.1 was solemnized with respondent No.2 on 25.04.2015 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The marriage of petitioner No.1 with respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 09.08.2018 passed by the learned Family Court, Hisar. A sum of Rs. 6,50,000/- has been paid to respondent No.2 on account of permanent alimony. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged the fact of compromise 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.1139 dated 02.12.2015 registered under Sections 323/406/420/506/498A/34 IPC at Police Station Hisar Sadar, District Hisar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

December 14, 2022
Poonam Sharma

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No