

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33611-2021

Date of Decision: 12.10.2022

SUDARSHAN AND ORS

... PETITIONERS

VS.

STATE OF HARYANA AND ANR

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Chanderhas Yadav, Advocate, for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Anshul Baghla, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.155 dated 21.10.2017 under Sections 498-A and 506 IPC registered at Women Police Station, Jhajjar on the basis of compromise.

On 15.02.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 15.02.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Jhajjar, has sent the report and the relevant portion whereof reads as under:-

“Query No.1: Number of persons arrayed as accused in FIR?

Submission: As per the statement of the I.O., Sudharshan is the singular accused in the present FIR.

Query No.2 Whether any accused is proclaimed offender(s)?

Submission: No, the said Sudharshan, as stated by the Investigating Officer, has not been declared as

proclaimed offender so far.

Query No. 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence.

Submission: Apropos of this query, with profound deference, I may take the liberty of submitting that -on being individually enquired by the undersigned about the voluntary nature of the compromise, all the parties thereto have candidly stated that the matter has been amicably settled amongst them without any contaminating influence exercised by any one and it was only after getting satisfied about its voluntary nature, the statements of the parties were recorded, the copies of the same are attached herewith for the kind perusal.

Query No. 4: Whether the accused persons are involved in any other case or not?

Submission: To this, I may submit that as per the report of the investigating officer, apart from the present FIR, two more FIRs - FIR no. 68 dated 17.05.2017, under Sections 323, 341 & 506 read with Section 34 of IPC, P.S. Bond, Distt. Charkhi Dadri and FIR no. 289 dated 21.06.2010, under Sections 498-A & 406 of IPC, P.S. Jhajjar, were registered against the accused - Sudarshan.

Query No.5. How many victims/complainants are there in the FIR?

Submission: On to this, with profound deference, it is submitted here that according to the statement of Investigating Officer, Ravina @ Bani, daughter of Surajmal, resident of village Mehrana, Distt. Jhajjar is the only complainant-cum-victim of the present case.”

Learned counsel for the petitioners submit that although the FIR

has been registered against all the petitioners but during the course of

investigation, respondents No. 2 to 5 were found innocent and challan has been presented only against petitioner No.1. Accordingly, he seeks to withdraw the present petition qua petitioners No. 2 to 5.

Ordered accordingly.

Learned counsel for the petitioners further contends that at the earlier instance, a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent was instituted in the Family Court at Jhajjar. However, the same has been withdrawn. Petitioner No.1 and respondent No.2 have resumed cohabitation and respondent No.2 alongwith two children is happily residing with the petitioner in the matrimonial home. He further contends that another FIR No.289 dated 21.06.2010 was registered against petitioner No.1 at P.S. Jhajjar under Sections 498-A & 406 of IPC but the same has been cancelled.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that he has no objection if the 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. 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.155 dated 21.10.2017 under Sections 498-A and 506 IPC registered at Women Police Station, Jhajjar is ordered to be quashed, however, qua petitioner No.1 only.

Resultantly, with the above-said observations made, the instant petition stands allowed qua petitioner No.1 only.

12.10.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No