

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30603-2022

Date of Decision: 11.10.2022

RAHUL SAIN AND ORS

... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

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

Mr. Bhupender Singh, DAG, Haryana.

Mr. Rao Ajender Singh, Advocate, for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.05 dated 24.01.2022 under Sections 34/377/406/498-A and 506 IPC registered at Women Police Station, District Rewari and all the subsequent proceedings arising therefrom on the basis of compromise.

On 28.07.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ Trial Court.

In compliance of the order dated 28.07.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Rewari, has sent the report and the relevant portion whereof reads as under:-

“It is most respectfully submitted that there are three accused persons arraigned as accused in FIR, none of the accused has been declared proclaimed offender in the matter in hand, in view of the aforesaid statements of the accused persons and complainant, it appears that the matter has been voluntarily compromised between the parties and the complainant has entered into a settlement

agreement (Ex.C-1) out of her own volition with the accused persons without any pressure or coercion from any corner and the settlement agreement (Ex.C-1) is genuine, no other criminal case is pending against any of the accused persons and the complainant namely Neha is the only victim in the matter in hand.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 01.12.2020 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise/agreement (Annexure P-2) effected in the Mediation and Conciliation Centre of this Court. Petitioner No.1 and respondent No.2 shall institute a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent. Petitioner No.1 shall pay a sum of Rs.5 lac to respondent No.2 on account of permanent alimony and a sum of Rs.3 lac has already been paid and no other case is pending between the parties.

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.05 dated 24.01.2022 under Sections 34/377/406/498-A and 506 IPC registered at Women Police Station, District Rewari and all the subsequent proceedings arising therefrom are ordered to be quashed, however, qua the petitioners only.

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

11.10.2022
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(VIVEK PURI)
JUDGE

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