

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

CRM-M-31339-2022
Date of Decision: 30.09.2022

NARESH AND OTHERS ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Lokesh Sharma, Advocate
for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Ms. Shaveta Sanghi, Advocate, for
Mr. Ashwani Bhardwaj, Advocate
for respondent No.2.

* * * * *

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.64 dated 07.03.2015 under Sections 406/498-A/506/34 IPC registered at Police Station Kalanaur, District Rohtak and all the consequential proceedings arising therefrom on the basis of compromise.

On 25.07.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/ trial Court.

In compliance of the order dated 25.07.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Rohtak, has sent the report and the relevant portion whereof reads as under:-

“On 23.08.2022, file was put up as complainant Meera and accused Naresh, Ishwar Singh and Bala appeared for getting recorded their statements before this Court. They have stated about their settlement/compromise and affirmed having no grievance against each other and have prayed for quashing of aforementioned FIR, with their free will and volition and without any pressure.

Further, the Investigating Officer SI Bhagat Singh, Belt No.560/RR, P.S.Kalanaur, Rohtak got

recorded his statement that there are only three persons namely Naresh, Ishwar and Bala who are arrayed as accused in present FIR. It is further submitted that said accused persons were not declared proclaimed offender at any stage of present FIR and said accused persons are not involved in any other case. It is also further submitted that in the present case, there is only one victim i.e. Meera.

Hence, in compliance of Orders of Hon'ble High Court, statement of parties have been duly recorded by this court and is being submitted.

It is submitted that I am satisfied that the matter has been settled between complainant Meera and accused Naresh, Ishwar Singh and Bala amicably/voluntarily, without any pressure or coercion and the compromise appears genuine on the face of record.”

Learned counsel for the petitioners contends that the marriage of petitioner No.1 was solemnized with respondent No.2 on 04.03.2011, but no child has been born from the wedlock. The FIR was registered against the petitioners and three other relatives but other relatives were found innocent during the course of investigation and challan has been presented only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-2. Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent wherein statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.11 lac to respondent No.2 on account of permanent alimony. A sum of Rs.5,50,000/- has already been paid and the balance amount of Rs.5,50,000/- shall be paid when the statements are recorded at the stage of second motion. 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 she 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.64 dated 07.03.2015 under Sections 406/498-A/506/34 IPC registered at Police Station Kalanaur, District Rohtak and all the consequential 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.

30.09.2022
smriti

(VIVEK PURI)
JUDGE

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