

254 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33498-2022
Date of Decision: 14.10.2022

MANOJ KUMAR

... PETITIONER

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sachin Kumar Chhokar, Advocate for
Mr. Rajesh Duhan, Advocate for the petitioner.
Mr. Karan Garg, AAG Haryana.
Ms. Gurmeet Kaur, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 172 dated 24.11.2018, under Sections 34/354/377/406/498-A/506 IPC (after investigation Sections 34, 354 and 377 IPC are deleted) registered at Police Station Dandh, District Kaithal and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 01.08.2022, 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 01.08.2022, learned Judicial Magistrate Ist Class, Kaithal has recorded the statements of the parties and

submitted the report, the relevant portion whereof reads as under:-

“ It is further humbly submitted that this Court is of the view that parties have voluntarily entered into compromise with their free will and without any undue influence, threat, fear or coercion. This court is also of the view that compromise has been entered genuinely without any misrepresentation and fraud and it has found to be valid. Report was sought from the Investigating Officer/Station House Officer as to the fact of:-

1. Number of persons arraigned as accused in the FIR.

2. Whether any accused is proclaimed offender?

3. Whether the accused persons are involved in any other case or not?

On the basis of the report of Station House Officer, the report is being sent as under:-

(A) The present FIR was registered on the complaint moved to the police by complainant Poonam daughter of Shri Surjeet against Manoj son of Late Shri Kanwal Singh, Krishna Devi wife of Late Shri Kanwal Singh, Surender son of Late Shri Kanwal Singh, Vijender son of Late Shri Kanwal Singh, Pooja wife of Rakesh, Nafe Singh and Satish son of Nafe Singh. After investigation, challan has been submitted before the court against accused Manoj only. Krishna Devi wife of Late Shri Kanwal Singh, Surender son of Late Shri Kanwal Singh, Vijender son of Late Shri Kanwal Singh, Pooja wife of Rakesh, Nafe Singh and Satish son of Nafe Singh were found innocent after investigation.

(B) Accused Manoj has not been declared Proclaimed.

(C) No other criminal case registered against Manoj except present case bearing FIR No.172 dated 24.11.2018.

D) Krishna Devi wife of Late Shri Kanwal Singh, Surender son of Late Shri Kanwal Singh, Vijender son of Late Shri Kanwal Singh, Pooja wife of Rakesh, Nafe Singh and Satish son of Nafe Singh were found innocent after investigation. No one from above said persons has been declared proclaimed offender and no other criminal case has been registered against anyone of them.

(E) Station House Officer concerned got recorded his statement that Investigating Officer of this case has been retired and thus he could not appear before the court. Station House Officer further got recorded his statement that there is only

one victim/complainant in present case namely Poonam daughter of Surjeet.”

Learned counsel for the petitioner contends that the marriage of the petitioner and respondent No.2 was solemnized on 07.04.2018 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. After investigation of the case, challan has only been presented against the petitioner and his other relatives have been found to be innocent. The marriage of petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 23.09.2022 passed by the learned Family Court, Kaithal. Petitioner No.2 has received all her articles of *Istridhan* and permanent alimony and no other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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. 172 dated 24.11.2018, under Sections 34/354/377/406/498-A/506 IPC (after investigation Sections 34, 354 and 377 IPC are deleted) registered at Police Station Dandh, District Kaithal and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

14.10.2022

Janki

(VIVEK PURI)
JUDGE

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