

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-33251-2020 (O&M)

Date of Decision: 12.12.2022

PARVEEN KUMAR

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Vaibhav Sehga, Advocate
for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Ms. Malkit Kaur, Advocate
Mr. Saleem Akhtar, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

CRM-27785-2020 and CRM-27788-2020

Learned counsel for the applicant/petitioner contends that he
does not press both the applications.

Dismissed being not pressed.

CRM-M-33251-2020 (O&M)

The petitioner is seeking to quash the FIR No.464 dated
08.07.2016 under Sections 406, 498-A, 34 and 506 IPC registered at Police
Station Sirsa City, District Sirsa and all the consequential proceedings
arising therefrom on the basis of compromise.

On 07.07.2022, the parties were directed to get their statements
recorded before the learned trial Court.

In compliance of the order dated 07.07.2022, the statements of
the parties have been recorded and the learned Additional Chief Judicial
Magistrate, Sirsa has sent the report and the relevant portion whereof is

reproduced here-in-below:-

“From the statements as well as oral examination of parties by this Court, this Court is of the opinion that the matter in question has been compromised between the parties without any fear, coercion, inducement or threat. It further reveals that the compromise is voluntary and effected with free will. It also reveals that none of the parties has been declared as proclaimed offender(s).”

Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No.2 on 07.12.2015 but no child been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise contained at Annexure P-2. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 06.11.2020 passed by the learned Family Court, Sirsa. The entire claim of permanent alimony and articles of *istridhan* has been settled. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. and Section 12 of Protection of Women from Domestic Violence Act. No other case is pending between the parties.

Learned counsel appearing 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.464 dated 08.07.2016 under Sections 406, 498-A, 34 and 506 IPC registered at Police Station Sirsa City, District Sirsa and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

12.12.2022
smriti

(VIVEK PURI)
JUDGE

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