

298-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38034-2022
Date of decision: 22.11.2022

JYOTI ...PETITIONER

VERSUS

STATE OF HARYANA AND ANR. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Varun Singh Dhanda, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Yashveer Kharb, Advocate for respondent No.2.

VIVEK PURI, J. (ORAL)

Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.261 dated 13.05.2022 under Sections 148/149/323/506 IPC, 1860 registered at Police Station Panipat City, District Panipat and all the consequential proceedings arising therefrom, on the basis of compromise.

On 25.08.2022, parties were directed to appear before the Trial Court/Illaq Magistrate 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 and voluntary nature of the compromise.

In compliance of the order dated 25.08.2022, learned Chief Judicial Magistrate, Panipat has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

"1. Only three persons namely Surender Kumar, Anil Chanana and Shubham Chanana are accused in this case.

2. *All accused persons & complainant/victims are party to the compromise.*
3. *As per report of Investigating Officer, accused persons namely, Surender Kumar, Anil Chanana and Shubham Chanana have never been declared proclaimed persons and there is no other criminal case pending against them.*
4. *Case was fixed for consideration on charge.*
5. *As discussed above, compromise in question appears to be voluntary and without any coercion or undue influence, it appears to be genuine.”*

Learned counsel for the petitioner contends that the FIR has been registered at the instance of respondent No.2 who is the husband of the petitioner. The allegations are to the effect that the petitioner had inflicted simple injuries and threatened to kill him. The present case is an outcome of the matrimonial dispute between the petitioner and respondent No.2. The dispute has been amicably settled between the parties in terms of memorandum of understanding dated 16.08.2022 (Annexure P-2). A separate petition for quashing of FIR No.228 dated 18.04.2022, under Sections 323/34/406/498-A/506 IPC registered at Police Station Tehsil Camp, District Panipat on the basis of quashing has already been instituted wherein, the statements of the parties have been recorded.

Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

After hearing the 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.

involves heinous or serious offences and furthermore, the private dispute arisen out of the matrimonial discord between the petitioner and respondent No.2 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. 261 dated 13.05.2022 under Sections 148/149/323/506 IPC, 1860 registered at Police Station Panipat City, District Panipat all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

22.11.2022

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(VIVEK PURI)
JUDGE

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