

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37955-2022

Date of Decision: 21.12.2022

SANDEEP SINGH

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Naveen Sihag, Advocate, for
Mr. P.S.Jammu, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Ms. Rinky Gupta, Advocate for
Mr. Santosh Kumar Yadav, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Petitioner is seeking to quash the FIR No.0187 dated 08.10.2021 under Sections 323/406/498-A/506 IPC registered at Police Station Ding, District Sirsa and all the consequential proceedings arising therefrom on the basis of compromise.

On 28.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 28.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Sirsa has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Queries were also put to the parties regarding the genuineness of the compromise during the proceedings. During query, parties have replied that the compromise has been entered into with their free Will without any threat,

coercion of undue influence from any corner.

It is submitted that there is only one complainant Manjeet Kaur daughter of Darshan Singh in the present FIR and there is no other accused other than Sandeep Singh. As per statements of parties and IO, accused has never been declared proclaimed offender.”

Learned counsel for the petitioner contends that though the allegations were levelled against the petitioner and his three other relatives but the relatives have been found to be innocent and the FIR has been registered only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 20.02.2012 and a female child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 18.08.2022 (Annexure P-2). The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act in the learned Family Court, Sirsa for dissolution of marriage by mutual consent wherein, the statements of the parties at the stage of second motion have also been recorded. Respondent No.2 has agreed not to claim any maintenance and the custody of minor daughter shall remain with her. 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.0187 dated 08.10.2021 under Sections 323/406/498-A/506 IPC registered at Police Station Ding, 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.

21.12.2022
smriti

(VIVEK PURI)
JUDGE

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