

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

**CRM-M-38931-2022
Date of Decision: 23.11.2022**

**RAVINDER KUMAR AND OTHERS ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Parmod Parmar, Advocate for the petitioners.
Ms. Ankita Ahuja, AAG, Haryana.
Mr. Mukesh Yadav, 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.133 dated 04.11.2018 under Sections 498-A/406/506/323/342/354-A/34 IPC (Later on Section 342 IPC was deleted), registered at Women Police Station, Narnaul, District Mahendergarh and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 30.08.2022 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 30.08.2022, learned Chief Judicial Magistrate, Narnaul has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“In view of statements of Investigating Officer of the present matter, it is submitted that initially total 8 persons were arrayed as accused out of which challan was submitted against three accused namely Bimla, Pappu and Ravinder.

2. None of them has been declared as proclaimed offender.

3. In view of statement of complainant dated 20.10.2022, I am satisfied that the compromise between the complainant and accused is genuine, voluntary and without any coercion or any undue influence.

4. One case is pending against accused Pappu bearing FIR No.69 dated 09.03.2016 under Section 323, 324 and 506 IPC, PS Kanina.

5. As per the statement of Investigating Officer, there is only one victim who is also the complainant in the present matter namely Urmila. ”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 23.11.2017 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise dated 26.07.2022 (Annexure P-3). Though, the FIR was registered against the petitioners and other family members but the challan has only been presented against the petitioners, whereas the other persons mentioned in the FIR were found to be innocent. The marriage of petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 26.07.2022 passed by the Court of learned Principal Judge, Family Court, Camp at Kanina. A sum of Rs. 8 Lakhs has been paid to respondent No. 2 on account of permanent alimony. She has also received all her articles of *istridhan*. No other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he 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-3). 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. 133 dated 04.11.2018 under Sections 498-A/406/506/323/342/354-A/34 IPC (Later on Section 342 IPC was deleted), registered at Women Police Station, Narnaul, District Mahendergarh and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

23.11.2022

Janki

(VIVEK PURI)
JUDGE

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