

280 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39494-2022
Date of Decision: 30.11.2022

SURINDER PAL @ SURINDER PAL SINGH ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.K.Dahiya, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG Haryana.

Mr. Sanjeev Majra, 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. 34 dated 19.08.2020, under sections 406, 498-A IPC registered at Police Station City Pehowa, District Kurukshetra and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).

On 01.09.2022, 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 01.09.2022, learned Judicial Magistrate Ist Class, Pehowa has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. In the present FIR., there is one accused namely Surinder Pal Singh.

2. As per the statement of I.O, accused person has not been declared proclaimed offender at any stage of trial or investigation.

3. It is clear from perusal of the statements of the parties that they have amicably settled the matter after arriving at a compromise and settlement. The compromise seems to be genuine and voluntary and out of free will.

4. As per the statement of I.O, the present accused is not involved in any other case.

5. The statement of Investigating officer has been recorded and as per statement of I.O, there is only one complainant/victim namely Ramandeep Kaur.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 11.05.2013 and a male child has been born from the wedlock. Initially, the FIR was registered against the petitioner and other family members but they were found innocent. The challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of Memorandum of Understanding, Annexure P-3. The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the Court of learned Principal Judge, Family Court, Kurukshetra, Camp at Pehowa wherein the statements of the parties at the stage of first motion have been recorded. A sum of Rs. 3,50,000/- shall be paid on account of permanent alimony to respondent No.2. A sum of Rs. 1,50,000/- has already been paid and balance amount of Rs. 2,00,000/- shall be paid at the time of recording of statements of the parties at the stage of second motion. The custody of the minor child shall remain with respondent No.2. 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. 34 dated 19.08.2020, under sections 406, 498-A IPC registered at Police Station City Pehowa, District Kurukshetra and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

30.11.2022

Janki

(VIVEK PURI)
JUDGE

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