

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40560-2022

Date of Decision: 21.12.2022

VIKRANT AND ANOTHER ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Sumit Sharma, Advocate
for the petitioners.

Mr. Karan Garg, AAG, Haryana.

Mr. Govind, Advocate for
Ms. Shaveta Sanghi, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Petitioners are seeking to quash the FIR No.394 dated 10.10.2017 under Sections 498-A, 323, 406, 506, 34 IPC registered at Police Station Civil Line, Sonapat and all the consequential proceedings arising therefrom on the basis of compromise.

On 07.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 07.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Sonipat has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Thus as per statement of investigation officer, none of accused have been declared as proclaimed offender in the present case and no other criminal case was pending/registered against the accused Vikrant and Bala Devi. On the basis of statement of parties, I am satisfied that

compromise between the parties was genuine and it was without any undue influence, coercion, fraud and misrepresentation.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 22.02.2014 and twins sons were born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-5. The petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent wherein statements of the parties at the stage of first motion have been recorded. Petitioner No.1 shall pay a sum of Rs.8 lac to respondent No.2 on account of full and final settlement of the claim of permanent alimony. A sum of Rs.5 lac has already been paid and the balance amount of Rs.3 lac when the statements of the parties are recorded at the stage of second motion. The custody of minor children shall remain with respondent No.2 and 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 he 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.394 dated 10.10.2017 under Sections 498-A, 323, 406, 506, 34 IPC registered at Police Station Civil Line, Sonapat and all the consequential proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners 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