

283 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40887-2022
Date of Decision: 30.11.2022

AMANDEEP SINGH ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rishab Goyal, Advocate for
Mr. Deepak Girotra, Advocate for the petitioner.
Mr. Dhruv Sihag, AAG Haryana.
Mr. Nikhil Vats, Advocate for
Mr. Dinesh Arora, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.18 dated 18.02.2022, under Sections 323/498-A/506/406 IPC registered at Women Police Station, Rohtak, District Rohtak and all the consequential proceedings arising therefrom, on the basis of compromise.

On 08.09.2022, 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 08.09.2022, learned Judicial Magistrate Ist Class, Rohtak has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“1. Six persons were named in FIR i.e. Anandeep Singh, Surender Kaur, Jasminder Singh, Nili, Harsimran Kaur and Harpal Singh. During investigation, five of them were declared innocent and challan was filed only against one person

namely Amandeep Singh.

2. The accused Amandeep Singh has not been declared proclaimed offender by any Court of law and infact no other case of criminal nature is pending against him.

3. The compromise effected between the parties is genuine, voluntary and without any coercion or undue influence.

4. No other criminal case is pending against the accused Amandeep Singh.

5. There was only one victim Bharti who herself is the complainant, as per statement of Investigating Officer ASI Kanta, 398, Police Station Women, Rohtak. ”

Learned counsel for the petitioner contends that marriage of the petitioner was solemnized with respondent No.2 on 23.11.2020 but no child has been born from the wedlock. The other relatives of the petitioner have been found to be innocent and the challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties. The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage by mutual consent in the Court of learned Principal Judge, Family Court, Rohtak wherein the statement of the parties at the stage of first motion have been recorded. A sum of Rs.2,50,000/- has been paid on account of permanent alimony to respondent No.2. 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. 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.18 dated 18.02.2022, under Sections 323/498-A/506/406 IPC registered at Women Police Station, Rohtak, District Rohtak 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*