

248 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45145-2021
Date of Decision: 14.10.2022

VIKASH AND OTHERS ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jagdeep Singh Rana, Advocate for the petitioners.

Mr. Karan Garg, AAG Haryana.

Ms. Mehak Sawhney, 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. 213 dated 11.04.2017 registered under Sections 323, 34, 498-A and 506 of the Indian Penal Code at Police Station Sohna, District Gurugram and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 18.11.2021, 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 18.11.2021, learned Judicial Magistrate Ist Class, Sohna has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“Q.1 Number of persons arrayed as accused in FIR.

Ans. Three accused namely Vikash, Balraj and Kanta have been arrayed as accused.

Q.2 Whether any accused is proclaimed offender.

Ans. None of the above stated accused are proclaimed offender. I.O has verified that none of the accused facing trial is proclaimed offender and no accused is declared proclaimed offender.

Q.3 Whether the compromise is genuine, voluntary and without any coercion or undue influence.

Ans. After going through the statements of the parties and after enquiring from the counsel, I am of the view that the compromise has been arrived between the complainant party and accused persons voluntarily without any threat, pressure, undue influence or fraud. Thus in my considered opinion the compromise arrived at between the two sides is genuine and voluntary act of the parties and the complainant has no objection in quashing of FIR registered against the accused person.

Q.4 Whether the accused persons are involved in any other case or not.

Ans.As per the statement the accused are not involved in any case.

Q5. Current stage of the case.

Ans.The case is proceeding under prosecution evidence.”

Learned counsel for the petitioners contends that the marriage of petitioner No.1 was solemnized with respondent No.2 on 03.05.2015 but no child has been born from the wedlock. The marriage of petitioner No.1 with respondent No.2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 10.12.2021 passed by the learned Family Court, Gurugram. No other case is pending between the parties.

It has been further stated that initially the FIR was registered against all the petitioners. After the investigation, the challan has been presented against petitioner Nos.1, 3 and 7 and petitioner Nos. 2, 4, 5, 6, 8

and 9 have been found to be innocent. Accordingly, it has been prayed that petition qua petitioner Nos. 2, 4, 5, 6, 8 and 9 be dismissed as withdrawn.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that she 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-2). 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 petition qua petitioner Nos. 2, 4, 5, 6, 8 and 9 is dismissed as withdrawn and FIR No. 213 dated 11.04.2017 registered under Sections 323, 34, 498-A and 506 of

the Indian Penal Code at Police Station Sohna, District Gurugram and all the consequential proceedings arising therefrom are quashed qua the petitioners Nos.1, 3 and 7 only.

14.10.2022

Janki

**(VIVEK PURI)
JUDGE**

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