

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45645-2021

Date of Decision: 28.07.2022.

AJMER SINGH AND ORS

... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Parminder Singh, Advocate, for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. Vikram Bali, Advocate, for
Ms. Kamlesh, Advocate
respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.0697 dated 18.12.2019 under Sections 323/34/498-A/506 IPC registered at Police Station Pehowa, District Kurukshetra and all the subsequent proceedings arising therefrom on the basis of compromise.

On 23.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Trial Court.

In compliance of the order dated 23.03.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Pehowa has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“(i) Seven persons were arrayed as accused
in the present FIR.*

(ii)None of the accused is declared

proclaimed person in the present case.

(iii) The compromise appears to be genuine and voluntary.

(iv) No other criminal case is registered against the accused persons as per statement dated 29.04.2022 of SI Janpal Singh.

(v) Statement of Investigating officer SI Janpal Singh has been recorded on 29.04.2022 and as per his statement, Navneet Kaur is the complainant/victim in present FIR. ”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of the compromise contained at Annexure P-2. The marriage of petitioner No.3 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of judgment and decree dated 05.05.2022 passed by the learned Family Court, Kurukshetra. A sum of Rs.16,40,000/- has been paid to respondent No.2 on account of permanent alimony. No child has been born from the wedlock 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.0697 dated 18.12.2019 under Sections 323/34/498-A/506 IPC registered at Police Station Pehowa, District Kurukshetra and all the subsequent 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.

28.07.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No