

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46694-2021

Date of Decision: 29.11.2022

RAVINDER SINGH AND ANOTHER ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. C.M.Munjal, Advocate
for the petitioners.

Mr. Amit Shukla, AAG, Punjab.

Mr. Tushar Gera, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash the FIR No.0290 dated 08.05.2016 under Sections 323, 34, 341, 342, 354 (B), 452, 498-A, 506 IPC (Section 307 IPC added later on) registered at Police Station Rattia, District Fatehabad on the basis of compromise.

On 22.04.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 22.04.2022, the statements of the parties have been recorded and the learned Additional Sessions Judge, Fatehabad has sent the report and the relevant portion whereof is reproduced here-in-below:-

“4. Regarding point no.1, as per the final report under Section 173 Cr.P.C., in FIR no.290 dated 08.05.2016 under Sections 323, 34, 341, 342, 354(B), 452, 498-A, 506, 307 IPC P.S. Ratia on the complaint of Harpreet Kaur wife of Ravinder Singh Kamboj, only two accused have

been challaned by the prosecution namely 1. Ravinder Singh Kamboj and 2. Richhpal Singh. The complainant Harpreet Kaur wife of Ravinder Singh had stated in her complaint that her mother-in-law and her father-in-law had asked her husband and Devar on which they have tried to kill her by causing injuries and putting a string around her neck and to cut her nerve and this attempt to kill her has been done on account of demand of vehicle and cash. The pre-arrest bail of Amarjit Kaur and Kanwaljit Singh had been allowed by the court on 20.05.2016. The accused Kanwaljit Singh son of Hajara Singh father-in-law and Amarjit Kaur wife of Kanwaljit Singh mother-in-law have not been challaned as they have been found innocent in the investigation of the case.

5. Regarding point no.2, none of the accused is proclaimed offender.

6.Regarding point no.3, regarding genuineness of the compromise, complainant Harpreet Kaur daughter of Harbhajan Singh has stated in her statement in the court on SA on 18.05.2022 that she has compromised with the accused out of her free will and without any pressure. This compromise is in the interest of both the parties to the case. Ravinder Singh, her husband and his brother Richhpal Singh have also given their statement in the court on 18.05.2022 that they have compromised with complainant Harpreet Kaur and the same is out of their free will and without any pressure and it is in the interest of both the parties to the case. Therefore, from the above, it is clear that the compromise is genuine, voluntarily and without any coercion or undue influence.

7.Regarding point no.4, whether the accused persons are involved in any other case or not, it is submitted that SI Rameshwal Dayal had given his statement on 24.05.2022 that accused Ravinder Singh and Richhpal Singh are not found involved in any other case. Retired ASI Mohan Lal has also given his statement on 26.05.2022 that he had investigated the case and report under Section 173 Cr.P.C. was filed in the court against both the accused namely Ravinder Singh and Richhpal Singh by SHO. The accused Ravinder Singh and Richhpal Singh were not found involved in any other case.

8.Therefore, from the above, it is clear that accused Ravinder Singh and Richhpal Singh are not involved in any other case.

9.Regarding point no.5, regarding the fact that how many victims/complainants are there in the FIR, it is submitted that SI Rameshwar Dayal as well as retired ASI Mohan Lal Investigating Officers have stated that complainant Harpreet Kaur is the only victim in the present case and she is the complainant of this case. Except her, there is no other victim or complainant in the FIR.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 01.01.2008 and two daughters and a son have been born from the wedlock. One of the daughters, namely Vipandeep Kaur had died in a motor vehicular accident on 05.10.2018. At the earlier instance, four persons were arraigned as accused, but subsequently, challan has been presented only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-3). The marriage between petitioner No.1 and

respondent No.2 has been dissolved by a decree of divorce under Section 13 of Hindu Marriage Act in terms of the judgment and decree dated 04.09.2019 passed by the learned Family Court, Sirsa. The said petition was instituted by respondent No.2. The petitioner No.1 had preferred an appeal against the aforesaid judgment and decree of divorce and he will withdraw the same. The claim of respondent No.2 for permanent alimony and articles of *istridhan* has been settled and custody of both the children shall remain with petitioner no.1.

Learned counsel 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.0290 dated 08.05.2016 under Sections 323, 34, 341, 342, 354 (B), 452, 498-A, 506 IPC (Section 307 IPC added later on) registered at Police Station Rattia, District Fatehabad on the basis of compromise is ordered to be quashed, however, qua the petitioners only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

29.11.2022
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(VIVEK PURI)
JUDGE

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