

270 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-47043-2021

Date of Decision: 10.10.2022

NARESH KUMAR AND ANOTHER ... PETITIONERS
V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sanchit Punia, Advocate for the petitioners.
Mr. Bhupinder Singh, DAG Haryana.
Mr. Neeraj Madaan, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of
FIR No. 315 dated 28.03.2013, under sections 147, 149, 323, 406, 498-A,
506 and 34 IPC registered at Police Station Hisar Sadar, District Hisar and all
the consequential proceedings arising therefrom, on the basis of compromise
(Annexure P-2).

On 10.11.2021, 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 10.11.2021, learned Judicial
Magistrate 1st Class, Hisar has recorded the statements of the parties and
submitted the report, the relevant portion whereof reads as under:-

“(i) There is only one complainant namely
complainant Bindu w/o Sh. Naresh d/o Sh. Bhoop
Singh aged 30 years, r/o Rawalwas Khurd Dhani,
Sub Tehsil Balsamand, Tehsil and District Hisar and
only two accused persons namely Naresh Kumar s/o
Sh. Bir Singh aged 31 years and Shanti Devi widow

of late Bir Singh aged 50 years both r/o Rawalwas Khurd Dhani, Sub Tehsil Balsamand, Tehsil and District Hisar.

(ii) As per statement of IO/SI Partap Singh, during investigation accused Bir Singh s/o Sh. Bima Ram has been died and accused Naresh s/o Sh. Bir Singh, Shanti Devi w/o Sh. Bir Singh residents of Rawalwas Khurd were found the real culprits.

However, accused Maan Singh s/o Sh. Bhima, Kamla Devi w/o Sh. Maan Singh, Chhabil s/o Sh. Bhima, Anil s/o Sh. Maan Singh, Sunil s/o Sh. Maan Singh, Anita d/o Sh. Maan Singh, Sunita d/o Sh. Maan Singh and Sunder s/o Sh. Ram Kumar were found innocent.

(iii) As per statement of IO/SI Paratp Singh, except the aforesaid persons there are no other persons involved in present case.

(iv) The accused persons have also furnished their respective affidavits duly identified by their counsels, wherein they have deposed that except the present case there is no other case registered against them.

(v) After careful perusal of the statements given on solemn affirmation by the complainant Bindu and accused Naresh Kumar and Shanti Devi, the undersigned is convinced that the abovesaid persons have made their statements voluntarily, without any pressure, threat or inducement. The compromise entered into between the parties is genuine. Further, the compromise appears to be free from fraud or misrepresentation.”

Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 11.05.2011 and a male child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, Annexure P-2. The petitioner No.1 and respondent No.2 have resumed cohabitation. Respondent No.2 along with the minor son is happily residing with petitioner No.1 in the matrimonial home.

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 (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 FIR No. 315 dated 28.03.2013, under sections 147, 149, 323, 406, 498-A, 506 and 34 IPC registered at Police Station Hisar Sadar, District Hisar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

10.10.2022

Janki

(VIVEK PURI)
JUDGE

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