

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

246

CRM-M-47561-2021
Date of Decision: 22.03.2022

SURESH AND ORS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr.Ravi Malik, Advocate
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Ms. Sunita Nain, Advocate
for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Petitioners are seeking quashing of FIR bearing No. 209 dated 30.07.2018, under Sections 323/406/498-A/506 IPC, registered at Police Station City Narwana, District Jind and all the subsequent proceedings arising therefrom on the basis of compromise having been effected between the parties.

On 25.11.2021 notice of motion was issued and 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 25.11.2021, learned Judicial

and submitted his report, the relevant para whereof reads as under:-

“As per the order of the Hon'ble High Court dated 25.11.2021 in the Case titled "Ram Kumar and others Vs. State of Haryana and others passed in CRM-M-47561 of 2021, this Court was directed to record the statements of the parties i.e. the complainant and the accused persons on 01.02.2022. The complainant namely Smt. Neelam w/o Suresh as well as the accused persons namely Suresh. Ram Kumar and Smt. Ompatti have appeared before the Court. In compliance of the Order dated 25.11.2021 passed by the Hon'ble High Court in letter and spirit and in the interest of Justice, let the statement of the parties be recorded.

The complainant and the accused persons have clearly stated that they have entered into the compromise voluntarily and without any pressure, coercion or undue influence in any manner. The parties were duly identified by their counsels i.e. Sh. Sanjeev Kumar Kundu and Sh.Vinod Bura. who have also filed their respective power of attorney.

As per the statement of PSI Rajender Kumar. P.S. City. Narwana in the present case/FTR there are three accused persons and

none of the accused have ever been declared proclaimed person. Three accused persons namely Suresh. Ram Kumar and Smt. Ompatti have been implicated and the final report under Section 173(2) Cr.P.C. was filed only against them. None of the accused persons are found involved in any other criminal case. Further, there is only one complainant/victim in this case.

After going through the contents of the statements of complainant and accused persons, this Court is of the considered view that the compromise between the parties has been reached voluntarily and the same is genuine and without any coercion or undue influence. The parties have also made their respective statements voluntarily with regard to their compromise, which has been reached without any threat, inducement, pressure, coercion or undue influence in any manner.”

Learned counsel for the petitioners contends that matrimonial dispute has been amicably settled between the parties. Petitioner No.1 and respondent No.2 are now happily residing together in the matrimonial house.

Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned FIR is

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 bearing No. 209 dated 30.07.2018, under Sections 323/406/498-A/506 IPC, registered at Police Station City Narwana, District Jind and all the consequential proceedings arising therefrom are quashed qua the petitioners.

22.03.2022
anju

(VIVEK PURI)
JUDGE

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