

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

287

**CRM-M-43347 of 2022
Date of decision: 14.12.2022**

Vishal

..Petitioners

Vs.

State of Haryana and Another

..Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ravi Rana, Advocate for the petitioner.

 Mr. Gaurav Gurcharan Singh Rai, DAG Haryana.

 Mr. Deepak Kumar, Advocate for respondent No.2.

VIVEK PURI, J.(ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No.25 dated 03.02.2021, registered under Sections 323/406/498-A and 506 IPC at Police Station Ambala Sadar, District Ambala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-1).

On 19.09.2022, 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 19.09.2022, learned Judicial

Magistrate Ist Class, Ambala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“In view of the statements of the parties, duly identified by their respective counsel, it appeared that the parties have entered into compromise and the said compromise has been arrived at between the parties without any kind of pressure, coercion, and at their sweet will. As such, compromise in question is found to be a valid and genuine compromise and has been effected between the parties voluntarily without there being any kind of coercion or undue influence

It is further respectfully submitted that status report of present case was called from concerned IO/SHO, P.S. Ambala Sadar, Ambala and which makes it transpired that the present FIR has been registered against accused Vishal, on the complaint of Aarti Sharma, complainant/victim. It is further respectfully submitted that no accused was declared proclaimed offender/person in the present case, no other case is pending against the present accused and there is one victim/complainant and one accused in the present case. Accused is not involved in any other case.”

Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 29.11.2017 and a son has been born from the wedlock. Initially, the FIR was registered against the petitioner, his mother and sister. However, during the course of investigation, the mother and sister of the petitioner have been found

to be innocent and challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of compromise contained at Annexure P-3. The petitioner and respondent No.2 have resumed cohabitation. Respondent No.2 along with son is happily residing in the matrimonial home with the petitioner. Respondent No.2 shall withdraw the petition under Section 125 Cr.P.C. and no other case is pending between the parties.

Learned counsel for respondent No.2 has acknowledged the fact of compromise 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-1). 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.25 dated 03.02.2021, registered under Sections 323/406/498-A and 506 IPC at Police Station Ambala Sadar, District Ambala and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

December 14, 2022
Poonam Sharma

(VIVEK PURI)
JUDGE

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