

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

CRM-M-44227-2022

Date of Decision: 13.12.2022

SACHIN JANGHU AND ORS ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. K.S.Dhaliwal, Advocate,
for the petitioners.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

Mr. J.S.Kang, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

The petitioners are seeking to quash FIR No.344 dated 27.12.2016, under Sections 323, 406, 498-A and 506 IPC registered at Police Station Furrukh Nagar, District Gurgram and all the subsequent proceedings arising therefrom on the basis of compromise.

On 23.09.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 23.09.2022, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Pataudi has sent the report and the relevant portion whereof is reproduced here-in-below:-

“To verify involvement of other persons, statement of IO/Inspector Dinkar Yadav, P.S.New Colony, Gurugram was recorded. He stated in his statement that in the present FIR No.344 dated 27.12.2016, a complaint was registered against three accused namely Sachin Janghu, Nahar and

Nirmala and challan has been filed against them only.

In view of the statements of the interested parties, the undersigned is of view that they have compromised the matter amongst them without any fear, coercion or inducement and that the compromise has been voluntarily arrived at between them.”

Learned counsel for the petitioners contends that the marriage of petitioner No.1 was solemnized with respondent No.2 on 02.05.2013 and a son has been born out of this wedlock. Although, the FIR was also registered against the sister of petitioner No.1 but she has been found innocent during investigation. The challan has been presented against the petitioners only. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 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 the judgment and decree dated 14.10.2020 passed by the Court of learned Additional Principal Judge, Family Court, (Camp) at Pataudi. Respondent No.2 has received her articles of istridhan and permanent alimony. The custody of the minor child shall remain with petitioner No.1 and respondent No.2 has been given visitation right and no other case is pending between the parties.

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.344 dated 27.12.2016, under Sections 323, 406, 498-A and 506 IPC registered at Police Station Furrukh Nagar, District Gurgram 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.

13.12.2022
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(VIVEK PURI)
JUDGE

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