

262 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-49432-2021 (O&M)

Date of Decision: 26.04.2022

SANDEEP KAUSHIK ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Pawan K. Sharma, Advocate for the petitioner.

Mr. Ramesh Kumar, AAG Haryana.

Mr. Lajpat Rai Sharma, Advocate for respondent No.2.

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VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 304 dated 02.09.2015 under Sections 313, 504, 498-A, 120-B, 406 and 506 IPC registered at Police Station Kurukshetra University, Kurukshetra, and all the consequential proceedings arising therefrom, on the basis of compromise.

Learned counsel for the petitioner contends that the charge has been framed only under Section 406, 498-A and 506 IPC. Furthermore, the application for addition of offence under Section 313 IPC has been dismissed by the Court of learned Chief Judicial Magistrate, Kurukshetra vide order dated 10.02.2020 contained at Annexure p-6.

On 04.02.2022 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 04.02.2022, learned Judicial Magistrate First Class, Kurukshetra has recorded the statements of the parties and submitted his report, the relevant portion whereof reads as under:-

“I have also personally satisfied myself that the FIR was lodged by the complainant against accused and now the complainant and accused have arrived at a compromise without any coercion, undue influence or pressure and the compromise as arrived between them is genuine, voluntary and without any coercion and the complainant has no objection in case the present FIR against the accused is quashed. It is further submitted that as per the record of the judicial case file as well as the statement as given by SI Nafe Singh, the FIR in question was registered against five persons namely Sandeep Kaushik, Anita, Rajni, Raj Dulari (mother of Sandeep) and Om Parkash but only accused Sandeep Kaushik was charge sheeted. It is further submitted that in the present FIR there was only one victim who is the complainant namely Sandhya Sharma. Further, there is no record of the accused Sandeep Kaushik been ever declared proclaimed offender in the present case and neither, as per statement of the I.O. concerned, any other case except for the FIR in question has ever been registered against him.”

Learned counsel for the petitioner contends that matrimonial dispute has been amicably settled. The marriage between petitioner and respondent No. 2 has been dissolved by a decree of divorce by mutual consent in terms of the judgment and decree dated 21.03.2022 passed by the Family Court, Kurukshetra. The petitioner has paid lumpsum amount of permanent alimony to respondent No.2. No child has been born from the wedlock. No other case is pending between the parties.

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. 304 dated 02.09.2015 under Sections 313, 504, 498-A, 120-B, 406 and 506 IPC registered at Police Station Kurukshetra University, Kurukshetra and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

26.04.2022

Janki

(VIVEK PURI)
JUDGE

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