

238 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40447-2019
Date of Decision: 31.05.2022

NARENDER KUMAR ... PETITIONER
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.K.Malhotra, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Mr. Madan Sandhu, 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. 65 dated 19.02.2017 under Sections 498-A, 406, 506 IPC registered at Police Station Shivaji Colony, Rohtak on the basis of compromise (Annexure P-2).

On 20.09.2019, 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 20.09.2019, learned Judicial Magistrate First Class, Rohtak has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“In compliance of the aforesaid order,
complainant appeared before the court of undersigned

on 28.02.2020 and her statement was recorded. She has specifically stated that with her free will and without any pressure and coercion etc., she has compromised the matter with the accused. The complainant further submitted that she has received permanent alimony amount in the court of Ms. Narinder Kaur, Learned Principal Judge, Family Court, Rohtak. From the statement and demeanor of the complainant, this court believes that the compromise is genuine, voluntary and without any coercion and undue influence.

Besides this, it is further submitted that the trial is at the stage of prosecution evidence and three witnesses have already been examined. From the challan, it further transpires that only Narender son of Ramdhari has been arrayed as accused, although, the FIR was registered against Narender son of Ramdhari, Ramdhari (Father-in-law), Satto (Mother-in-law) and Geeta wife of Rajkumar (sister-in-law). However, during investigation, Ramdhari, Satto and Geeta were exonerated.

It is further submitted that no accused has been declared proclaimed person/offender in this case.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-2). The marriage of the petitioner 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 passed by the Family Court at Rohtak. 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. 65 dated 19.02.2017 under Sections 498-A, 406, 506 IPC registered at Police Station Shivaji Colony, Rohtak and all the consequential proceedings arising therefrom are quashed qua the petitioner.

31.05.2022

Janki

(VIVEK PURI)
JUDGE

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