

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

**CRM-M-41615-2019
Date of Decision: 08.08.2022**

**RAJ KUMAR AND ANOTHER ... PETITIONERS
V/S
STATE OF HARYANA AND ANOTHER ... RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Ritu Mahohar, Advocate for
Mr. Vikram Hooda, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

Ms. Komal Chauhan, Advocate for
Mr. C.S.Singhal, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 76 dated 28.07.2016 under Sections 506/498-A IPC registered at Police Station Women, District Jhajjar and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 06.04.2022, 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 sent its report regarding genuineness of the compromise.

In compliance of the order dated 06.04.2022, learned Judicial Magistrate Ist Class, Jhajjar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ Query No.1:- The name of the complainant

and all accused arrayed in the FIR?

Submission:- Qua this query, it is submitted that as per the statement of the Investigating Officer, there were total six accused arrayed in the FIR - Raj Kumar son of Dharambir, Raj Rani wife of Dharambir, Ajay son of Dharambir, Mukesh son of Raj Kumar, Sanjay Singla son of Ram Bilas Singla and the anonymous 'Bua Saas' of the complainant. But the challan under Section 173 of the Code of Criminal Procedure, 1973 was submitted only against the aforesaid - Raj Kumar and Raj Rani, and the remainder four cited accused were discharged declaring them to be innocuous.

Query No. 2:- Whether all of them have appeared and made their respective statements in support of the compromise so effected between them?

Submission:- With all respect, it is submitted that out of this above stated six accused, only Raj Kumar and Raj Rani appeared and made their respective statement in support of the compromise effected between them.

Query No.3:- Whether any of the accused has been declared a proclaimed offender? Submission:- Vis a vis this poser, with profound deference, it is posited, that neither of the accused of the instant FR, as stated by the Investigating Officer, has been declared as proclaimed offender so far.

Query No.4:- The stage of trial/proceedings? Submission:- Apropos of it, on browsing through the case file, it got transpired that the case is posted for recording the prosecution evidence, and only the evidence of one witness -of the Investigating Officer, is left to be recorded.

Query No. 5:- If the compromise so arrived at between the parties is genuine, voluntarily and out of free will?

Submission:- Apropos of this query, with all sublimity, I may take the liberty of submitting that - on being individually enquired by the undersigned about the voluntary nature of the compromise, all the parties thereto have candidly stated that the matter has been amicably settled amongst them without any contaminating influence exercised by any one, and it was only after getting satisfied about its voluntary nature, the statements of the parties were recorded, the copies of the same are attached herewith for the kind perusal. ”

Learned counsel for the petitioners contend that matrimonial dispute has been amicably settled in terms of compromise, Annexure P-2. 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 Hindu Marriage Act. A sum of Rs. 9,80,000/- has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has withdrawn the petition under Section 125 Cr.P.C. The offence under Section 354 IPC has been deleted and the challan has been presented only against the petitioners who are the husband and mother-in-law of respondent No.2.

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. 76 dated 28.07.2016 under Sections 506/498-A IPC registered at Police Station Women, District Jhajjar and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

08.08.2022

Janki

(VIVEK PURI)
JUDGE

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