

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

**CRM-M-54075-2021
Date of Decision: 30.09.2022**

KUSHAL VERMA AND OTHERS ... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karan Singh Rana, Advocate for the petitioners.
Mr. Karan Garg, AAG Haryana.
Mr. Gaurav Sethi, 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.172 dated 20.03.2020, under Sections 323/406/498-A/506 IPC, registered at Police Station Ambala, District Ambala and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).

On 23.03.2022, 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 23.03.2022, learned Addl. Chief Judicial Magistrate, Ambala has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“This Court having conferred with the parties

and going through the statements of the parties, is of the considered view that the matter has been compromised between the accused-petitioners Kushal Verma, Inderjeet Verma and Veena Verma and respondents no.2/complainant Muskan with their free will & consent and without any pressure or coercion on either side. The compromise effected between the parties is genuine and valid.

Five persons were arrayed as accused in the FIR and during investigation Sourabh and Nand Tina were found to be innocent and challan/report u/s 173 Cr.P.C. was filed against three accused i.e. present accused-petitioners Kushal Verma, Inderjeet Verma and Veena Verma.

None of the accused is proclaimed offender.

The accused persons are not involved in any other case.

There is one victim/complainant i.e. complainant/respondent no.2 Muskan in the present FIR.”

Learned counsel for the petitioners contend that marriage of petitioner No. 1 was solemnized with respondent No.2 on 12.12.2018 but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise, dated 09.07.2021 (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 in terms of judgment dated 17.01.2022 passed by the Family Court, Ambala. A sum of Rs. 5,00,000/- has been paid to respondent No.2 on account of permanent alimony. Respondent No. 2 has withdrawn the petition under Section 125 Cr.P.C. and Section 12 of Protection of Women from Domestic Violence Act. 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.172 dated 20.03.2020, under Sections 323/406/498-A/506 IPC, registered at Police Station Ambala, District Ambala and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

30.09.2022

Janki

**(VIVEK PURI)
JUDGE**

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