

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52627-2021
Date of Decision: 13.05.2022

BRIJESH KUMAR ... PETITIONER
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

Mr. Jagjit Singh, Advocate for
Mr. Gourav Jain, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioner is seeking to quash the FIR No. 187 dated 09.05.2018 under Sections 323/34/406/498-A/506 IPC registered at Police Station City, Tohana, District Fatehabad and all the subsequent proceedings arising therefrom on the basis of compromise.

On 03.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 03.03.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Tohana has sent the report and the relevant portion whereof is reproduced here-in-below:-

“Accused as well as the complainant appeared before this court in person on 7.3.2022 and suffered their statements. Being satisfied that the statements were being voluntarily made, statements of both the concerned parties were

recorded on oath. Complainant namely Heena has appeared in person and made statement to the effect that on 9.11.2021, the matter has been compromised by her with the accused. She also stated that the compromise has been arrived between her and the accused voluntarily and without any pressure. She also stated that she had filed the petition under Section 13B of the Hindu Marriage Act in the Family Court, Camp at Tohana, in which her statement of first motion has been recorded. She stated that she has no objection if FIR be quashed.

On the other hand, accused Brijesh also suffered a statement to the effect that on 9.11.2021, he had compromised the matter with complainant namely Heena. He also stated that the compromise has been arrived between him and the complainant voluntarily and without any pressure and coercion. They have filed the petition under Section 13B of the Hindu Marriage Act in Family Court, Camp at Tohana, therefore, present FIR be quashed.

It is also humbly submitted that Retired Sub Inspector Balwinder Kaur, who is Investigating Officer in this case has appeared in person and suffered a statement recorded separately that FIR of the present case was registered against the four persons however, challan was filed against only one person i.e. accused Brijesh son of Dilbag Singh, resident of House No.82 Patel Nagar, Hisar. She further stated that none of the accused has been declared Proclaimed Offender in this case. She further stated that accused is not involved in any other FIR. She also stated that one person namely Heena is the complainant who is

also victim in this case.

In view of the statements of interested parties, this court is satisfied that the compromise has been arrived between the parties and the said compromise is voluntary and without any pressure and coercion and the complainant has no objection, if the present FIR be quashed against the accused person.”

Learned counsel for the petitioner contends that the matrimonial dispute has been amicably settled between the parties in terms of compromise contained at 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 13B of the Hindu Marriage Act in terms of judgment and decree dated 06.04.2022 passed by the Family Court, Fatehabad. A sum of Rs.15 lakhs has been paid on account of permanent alimony to respondent No.2 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. 187 dated 09.05.2018 under Sections 323/34/406/498-A/506 IPC registered at Police Station City, Tohana, District Fatehabad is ordered to be quashed, however, qua the petitioner only.

Resultantly, with the above-said observations made, the instant petition stands allowed.

13.05.2022
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(VIVEK PURI)
JUDGE

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