

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-234-2022

Date of Decision: 25.05.2022

MUKESH AND OTHERS

... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Pawan Attri, Advocate,
for the petitioners.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Ms. Pinki Mehla, Advocate, for
Mr. Nitin Kumar Sharma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners are seeking to quash the FIR No.190 dated 24.04.2019 under Sections 323/34/406/498-A and 506 IPC registered at Police Station Civil Line Kaithal, District Kaithal and all the consequential proceeding arising therefrom on the basis of compromise.

On 02.03.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.

In compliance of the order dated 02.03.2022, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Sultanpur Lodhi, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“POINT NO.1:

*Regarding Point No. (1), it is submitted that as per the statement of complainant four accused persons were arrayed in the FIR. The accused persons named in the FIR are:
1) Mukesh son of Jagdish, 2) Jagdish son of*

Surjeet, 3) Sunita wife of Jagdish and 4) Vipin son of Jagdish. However, accused Vipin son of Jagdish was not challaned by police and challan/final report was presented against only three accused i.e. 1) Mukesh son of Jagdish, 2) Jagdish son of Surjeet and 3) Sunita wife of Jagdish. Thus, as of now there are total three accused persons namely Mukesh son of Jagdish, Jagdish son of Surjeet and Sunita wife of Jagdish, who are facing trial in the present FIR.

POINT NO.2:

2. Regarding Point No.2, it is submitted that as per report of Investigating Officer no accused has been declared Proclaimed Offender in this case.

POINT NO.3:

3. Regarding Point No.3, it is submitted that complainant Manisha wife of Mukesh vide her separately recorded statement and accused namely Mukesh son of Jagdish, Jagdish son of Surjeet and Sunita wife of Jagdish vide their joint statement have stated that the compromise has been effected between the parties with their free will and without any coercion or pressure from any corner. The complainant Manisha has also stated that she has compromised the matter with the accused persons and the copy of said compromise is Mark-A and the compromise was effected with her free will and without any coercion or pressure from any corner. Accused persons have also stated that compromise is correct and

genuine and was effected with free will of the parties without any compulsion or coercion. Copy of compromise has been placed on record as Mark-A. In view of the said statements of the parties, the compromise appears to be effected voluntarily and out of free will. Accordingly, in view of the said statements of the complainant and accused persons, it is submitted that the compromise effected between the parties, appears to be genuine.

POINT NO.4:

4. Regarding Point No.(4), it is submitted that the Investigating Officer/ASI Shakti Singh has specifically stated that no other criminal case is pending against accused persons namely Mukesh son of Jagdish, Jagdish son of Surjeet and Sunita wife of Jagdish. The Investigating Officer also submitted his report as Ex.P1.

POINT NO.5:

5. Regarding Point No.(5), it is submitted that the statement of Investigating Officer has been recorded qua the number of victims/complainants in the FIR. As per report of Investigating Officer there is only one victim/complainant namely Manisha wife of Mukesh in the present FIR. His report qua the all the points is Ex.P1.”

Learned counsel for the petitioners contend that the matrimonial dispute has been amicably settled between the parties in terms of the compromise contained at Annexure P-2. Petitioner No.1 alongwith respondent No.2 and the minor child are happily residing in the matrimonial house.

Learned counsel appearing for respondent No.2 has not disputed the aforesaid factual aspect(s) and further stated that she 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.190 dated 24.04.2019 under Sections 323/34/406/498-A and 506 IPC registered at Police Station Civil Line Kaithal, District Kaithal and all the consequential proceeding arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

25.05.2022
smriti

(VIVEK PURI)
JUDGE

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