

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-133-2022

Date of Decision: 06.04.2022

SUBHASH CHANDER AND ORS ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Vishal Sharma Haritwal, Advocate,
for the petitioners.

Mr. Vikas Bhardwaj, AAG, Haryana.

Mr. T.K.Gupta, Advocate,
for respondent No.2.

VIVEK PURI, J.(ORAL)

Through instant petition, the petitioners seek to quash the FIR No.373 dated 17.08.2019 under Sections 406, 498-A and 506 IPC registered at Police Station Thanesar Sadar, District Kurukshetra and all the subsequent proceedings arising therefrom on the basis of compromise.

On 06.01.2022, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/Duty Magistrate/trial Court.

In compliance of the order dated 06.01.2022, the statements of the parties have been recorded and the learned Additional Chief Judicial Magistrate, Kurukshetra has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In view of the statements of the parties, this court is satisfied that parties have voluntarily entered into the compromise which is in the interest of parties and would bring the harmony and peace between the parties. The said compromise/settlement is genuine and is not result of any pressure or

coercion in any manner.

It is further submitted that, as per the report of the Investigating Officer, there were three persons named in the FIR, but challan has been filed only against accused Subash. Further, he submitted that no person has been declared as proclaimed offender in present case. No other criminal case is pending against the any of the accused.”

Learned counsel for the petitioners contend that matrimonial dispute between the parties has been amicably settled. Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent, wherein, statements of the parties at the stage of first motion have been recorded. The amount of permanent alimony shall be paid in terms of the compromise deed dated 21.12.2021 (Annexure P-2). The custody of minor daughter shall remain with respondent No.2 during the period of her minority. No other litigation is pending between the parties.

Learned counsel for respondent No.2 has not disputed the aforesaid factual aspect(s) and has 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.373 dated 17.08.2019 under Sections 406, 498-A and 506 IPC registered at Police Station Thanesar Sadar, District Kurukshetra and all the subsequent proceedings 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.

06.04.2022

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No