

In the High Court for the States of Punjab and
Haryana at Chandigarh

CRM-M-52981-2019

Date of Decision: September 29, 2022

Santhosh Kumar

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Saleem Ahmed, Advocate,
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Harnoor Singh, Advocate for
Ms. Shweta Nahata, Advocate,
for respondent No. 2.

Vivek Puri, J.

The petitioner has approached this Court by way of instant petition under Section 482 of the Code of Criminal Procedure invoking its inherent jurisdiction for quashing of FIR No. 365, dated 06.05.2017, under Sections 498A, 323, 506, 34 of the Indian Penal Code (for short 'IPC'), registered at Police Station Saran, District Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise dated 26.11.2019 (Annexure P-2).

On 12.12.2019, parties were directed to appear before the Illaqa Magistrate/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 and voluntary nature of the compromise.

In compliance of the order dated 12.12.2019, learned Judicial Magistrate 1st Class, Faridabad, has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

"On 28.01.2020, complainant Karishma @ Antrim appeared before the Court. Accused Santosh Kumar also appeared on 28.01.2020 for recording the statement of compromise. The nature and consequence of the statement being recorded by both the parties was explained to them and after being satisfied that the statements were being made voluntarily, statements of the concerned parties were recorded. Statements of complainant Karishma @ Antrim and accused Santosh Kumar were recorded with regard to their compromise. Complainant Karishma @ Antrim is duly identified by her counsel Shri Amardeep Yadav, Advocate.

Accused Santosh Kumar is also identified by his counsel Ms. Manmeet Kaur, Advocate. There is only one accused arrayed in FIR and proceedings in this case are pending for prosecution evidence.

No accused was declared proclaimed offender in this case.

In view of the statements of the interested parties, I am satisfied that they have compromised the matter amongst themselves without any fear, coercion or inducement and that the compromise has been voluntarily arrived at between them."

Learned counsel for the petitioner contends that the FIR was registered against the petitioner and five other relatives. However, during the course of investigation, the other relatives were found innocent. The challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent no.2 on 20.06.2014, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2). The marriage of the petitioner and respondent no.2 has been dissolved by a decree of mutual consent under Section 13-B of the Hindu Marriage Act passed by the learned Family Court, Faridabad. A

sum of Rs. 2 lakhs has been paid to the respondent no.2 as permanent alimony. No other case is pending between the parties.

Learned counsel for respondent no.2 states that he has no objection if the FIR is quashed.

After hearing the 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 offence 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** and **Narinder Singh and others Vs. State of Punjab and another 2014(6) SCC 466.**

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. 365, dated 06.05.2017, under Sections 498A, 323, 506, 34 IPC, registered at Police Station Saran, District Faridabad and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

September 29, 2022
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking :	Yes / No
Whether reportable :	Yes / No