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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No.4411 of 2023(O&M)

Date of Decision: 07.11.2023

Abhishek Kumar and Another

..... Petitioners

V/s.

State of Haryana and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karan Bansal, Advocate for
Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Saurabh Sharma, Advocate for
Mr. Aditya Sanghi, Advocate for respondent No.2.

Vivek Puri, J. (Oral)

1. The petitioners are seeking to quash the FIR bearing No.444 dated 24.07.2020 under Sections 323,498-A, 506, 34, 406, IPC, 1860 registered at Police Station City Sirsa, District Sirsa and all the other subsequent proceedings arising therefrom, on the basis of compromise.
2. On 27.01.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 27.01.2023, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Sirsa, has sent the report and the relevant portion whereof is reproduced here-in-below:-

"I have the honour to submit that in compliance of order dated 07.07.2023 passed by Hon'ble High Court in case No.CRM-M-4411-2023(O&M) titled as Abhishek Kumar and another Vs. State of Haryana and another, complainant namely Meenu Rani W/o. Abhishek Kumar and D/o. Harish Kumar R/o. H.No.416,

Gali Chopra Wali, Near Multani Dharamshala, Dhobian wala Mohalla, Sirsa and accused namely (1) Abhishek Kumar s/o Raj Kumar (2) Smt. Anu Rani Wd/o. Late Raj Kumar, both residents of H.No.214, Ward No.16 Mansa (Pb) appeared before the Court on 28.07.2023. Their statements have been recorded separately in which they have stated that the matter has been settled amicably. They have further stated that the matter has been compromised without any pressure, coercion, inducement, without any condition rather it has been settled amicably and they have no objection if FIR in question is quashed.

It is submitted that there is one complainant/victim and two accused named in the FIR and they all are parties to the compromise. None of the accused has been declared proclaimed offender and no other criminal case is pending against them as per affidavits furnished by the accused and report submitted u/s 173 Cr.P.C. filed by the State. It is further submitted that statement of investigating officer has also been recorded separately on dated 05.08.2023 in this regard.”

4. Learned counsel for the petitioners contends that the FIR was registered against the petitioner and two other relatives who were found innocent during the course of investigation and the challan has been presented only against the petitioners. The marriage of the petitioner No.1 was solemnized with respondent No.2 on 12.05.2018 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties on terms of the compromise (Annexure P-2). The marriage of the petitioner No.1 and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13B of Hindu Marriage Act, 1955 in terms of the in terms of judgment and decree dated 08.07.2023 passed by the learned Family Court Sirsa. A sum of Rs.25.00 lakhs has been paid by the petitioner No.1 to respondent No.2 on account of permanent alimony. Respondent No.2 has received all the articles of *Istridhan*. Nothing is due payable by the petitioner to the respondent No.2. The custody of the minor child

will remain with respondent No.2. No other case is pending between the parties. It has been further submitted that an amount of Rs.5,000/- as costs in terms of order dated 07.07.2023 has been deposited with the District Legal Services Authority, Sirsa on 28.07.2023.

5. 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.

6. 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.

7. 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.

8. For the aforesaid view, this Court finds support from **Kulwinder Singh and others Vs. State of Punjab and another, 2007(3) RCR (Criminal) 1052**, approved by Hon'ble Apex Court in **Gian Singh Vs. State of Punjab and others (2012) 10 SCC 303**.

9. Considering the peculiar facts and circumstances of the case noted above, coupled with the reasons aforementioned and to secure the ends of justice, FIR bearing No.444 dated 24.07.2020 under Sections 323,498-A, 506, 34, 406, IPC, 1860 registered at Police Station City Sirsa, District Sirsa and all the other

subsequent proceedings arising therefrom,, on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

07th November, 2023

Sonia Puri

(VIVEK PURI)
JUDGE

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