

283 IN THE HIGH COURT OF PUNJAB AND HARYANA
 CHANDIGARH
 CRM-M-5043-2023
 Date of Decision: 22.08.2023

NITIN DHIMAN AND ORS.

...Petitioners

V/S

STATE OF HARYANA AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dhruv Gupta, Advocate
 for the petitioners.

Mr. Surender Kumar Dagar, DAG Haryana.

Mr. Prince Pushpinder Rana, Advocate
 for respondent No. 2.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 45 dated 08.04.2019 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Kalka, District Panchkula on the basis of compromise.
2. Vide order dated 01.02.2023, passed by this Court, the parties were directed to appear before the 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 of the compromise.
3. In compliance of the aforesaid order, report has been received from the court of Judicial Magistrate Ist Class, Kalka and relevant portion of the same is reproduced below:

“After going through the statements made by the parties and I.O., this Court is of the view that the compromise between the parties is genuine, voluntary and

without any coercion or undue influence and not the result of any fraud or misrepresentation. Further, there is no other person is accused or involved in the present case/FIR, except the three accused namely Nitin Dhiman, Santosh Dhiman and Suresh Dhiman and none of the accused persons has been declared proclaimed offender in the present case or in any other criminal case.”

4. Learned counsel for the petitioners contend that marriage of petitioner No. 1 was solemnized with respondent No. 2 on 14.10.2016, 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 petitioner No. 1 and respondent No. 2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act vide judgment and decree 11.01.2021 (Annexure P-3) passed by learned Family Court, Panchkula. Entire claim of respondent No. 2 for permanent alimony and *stree dhan* has been settled, nothing else is payable to her by the petitioners and no other case is pending between the parties.

5. Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has 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

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. Accordingly the present petition is allowed and FIR No. 45 dated 08.04.2019 registered under Sections 406 and 498-A of Indian Penal Code at Police Station Kalka, District Panchkula and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

22.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No