

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-8055-2023
Date of Decision: 15.11.2023

RAVI SINGH RAWAT ... PETITIONER
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ajay Wadhwa, Advocate,
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Ms. Perna Chandna, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Petitioner is seeking to quash the FIR No.26 dated 03.04.2019 under Sections 498-A/406/323/506 IPC registered at Police Station Women NIT, Faridabad on the basis of compromise.
2. On 15.02.2023, the parties were directed to get their statements recorded before the learned Illaqa/Duty Magistrate.
3. In compliance of the order dated 15.02.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Faridabad has sent the report and the relevant portion whereof is reproduced here-in-below:-

“i) The number of accused in the aforesaid FIR and to report whether any of the accused has been declared proclaimed offender(s) or any such proceedings have been initiated or pending against them.

Report: As per the statement of IO, ASI Priyanki, No. 2725 complainant Mrs.Ashina Sharma lodged complaint against Ravi Singh Rawat (Husband), Shivender Singh Rawat (father in law), Shanti Devi (mother in law), Kumer Singh Rawat and Deepak Rawat. But during investigation, accused Shivender Singh Rawat (father in law), Shanti Devi (mother in

law), Kumer Singh Rawat and Deepak Rawat were found innocent. In this case, challan was filed only against the accused Ravi Singh Rawat (husband). The accused has not been declared proclaimed offender and no such proceedings have been initiated or pending against him.

ii) Whether the compromise entered between the parties is genuine, voluntary without any coercion or undue influence.

Report: In the considered opinion of the undersigned, the compromise so effected is for the amicable settlement of the dispute and was effected without any external pressure, coercion, undue influence or force and is a valid compromise.

iii) Statement of IO regarding involvement of petitioner(s) in any other FIR

Report: As per statement of IO that as per their office record, no other FIR is pending against the accused Ravi Singh Rawat

iv) Status of the trial pending before the Court. Report: The case is not pending for appearance of accused as well as for prosecution evidence.”

4. Learned counsel for the petitioner contends that the FIR was registered against the petitioner and four other relatives, who were found innocent during the course of investigation and challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 09.07.2011 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of the judgment and decree dated 13.07.2023 passed by the learned Family Court, Faridabad. The petitioner has paid a sum of Rs. 5 lac to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of stridhan and nothing else is due payable to her by the petitioner. The custody of minor daughter shall remain with respondent No.2. No other case is pending between the parties.

5. Learned counsel 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.

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 No.26 dated 03.04.2019 under Sections 498-A/406/323/506 IPC registered at Police Station Women NIT, Faridabad on the basis of compromise is ordered to be quashed, however, qua the petitioner only.

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

15.11.2023
smriti

(VIVEK PURI)
JUDGE