

284 IN THE HIGH COURT OF PUNJAB AND HARYANA
 CHANDIGARH
 CRM-M-7111-2023
 Date of Decision: 22.08.2023

KULJEET AND ORS.

...Petitioners

V/S

STATE OF HARYANA AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. K.S. Malik, Advocate
 for the petitioners.

Mr. Surender Kumar Dagar, DAG Haryana.

Ms. Sukhveer Kaur, 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. 132 dated 20.09.2018 registered under Sections 34, 377, 498-A and 506 of Indian Penal Code at Women Police Station Rohtak, District Rohtak on the basis of compromise.
2. Vide order dated 09.02.2023, 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, Rohtak and relevant portion of the same is reproduced below:

“1. The parties i.e. accused namely Kuljeet, Sombir and Santosh and complainant Parvesh have entered into

compromise. The compromise effected between them is genuine and in pursuance to same, statement of first motion in mutual divorce petition have been recorded. It is held that the compromise is voluntary and without any coercion or undue influence and it is not result of any fraud or misrepresentation.

2. Neither of the parties are involved in any other FIR and none of them has been declared proclaimed offender in any criminal case.

3. That apart from above named three accused, FIR was also registered against Priyanka, Ramesh, Gautam and Ankit but they were declared innocent during investigation itself. Challan was presented only against accused Kuljeet, Sombir and Santosh who have entered into compromise with complainant.”

4. Learned counsel for the petitioners contend that marriage of petitioner No. 1 was solemnized with respondent No. 2 on 31.10.2017, 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 in terms of judgment and decree 24.04.2023 passed by learned Family Court, Rohtak. A sum of Rs. 10,00,000/- has been paid to respondent No. 2 on account of permanent alimony. Respondent No. 2 has received all her articles of *stree dhan* and nothing else is due payable to her by the petitioners. At the instance of petitioner No. 1, a case bearing FIR no. 304 dated 12.11.2018 under Section 323, 325 and 34 of IPC was registered at Police Station Civil Lines Rohtak against the father of respondent No. 2 and his friend and the

said FIR has also been quashed in terms of judgment dated 05.07.2023 passed in CRM-M-7583-2023 on the basis of compromise having been effected between the parties. 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 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. Accordingly the present petition is allowed and FIR No. 132

dated 20.09.2018 registered under Sections 34, 377, 498-A and 506 of Indian Penal Code at Women Police Station Rohtak, District Rohtak 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

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>