

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM -M-7559-2023  
Date of Decision: 04.07.2023

ABHAY ... PETITIONER  
VS.  
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Rajesh Kumar Kashyap, Advocate  
for the petitioner.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Ms. Priyavrat Prashar, Advocate,  
for respondent No.2.

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VIVEK PURI, J.(ORAL)

1. The petitioner is seeking to quash the FIR No.483 dated 26.09.2022 under Sections 323/377/406/498-A/506/120-B IPC (Sections 377 and 120-B IPC have already been deleted) registered at Police Station Mahesh Nagar, District Ambala and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 10.04.2023, the parties were directed to get their statements recorded before the learned Illaqa/Duty Magistrate.
3. In compliance of the order dated 10.04.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1<sup>st</sup> Class, Ambala has sent the report and the relevant portion whereof is reproduced here-in-below:-

*“1. Statement of complainant Ekta Shama and accused Abhay and Investigating officer ASI Saroj Devi (annexure-1) has been recorded on*

*solemn affirmation in which they stated that parties have compromised the matter with each other voluntarily and without any fear or pressure.*

*2. After careful perusal of the statement given on solemn affirmation by the complainants as well as accused concerning the present case and after careful analysis of the same, this court is convinced that the compromise between the parties in question is genuine and no such material is available on record which can reflect that the compromise has been effected under fear, threat, pressure or coercion. Therefore, this court is of the thoughtful opinion that the available material on record is in favour to reflect a valid compromise between the parties.*

*3. After perusal of the case file, it is clear that no one is proclaimed offender/absconding in the present case. As per statement of ASI Saroj Devi, in the present FIR, there are total four accused and no one was declared as proclaimed offender. There is only one complainant/victim Ms. Ekta Sharma in this case and accused are not involved in any other case. The trial is pending for prosecution evidence.”*

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 11.11.2021 but no child has been born from the wedlock. Although, the FIR was registered against four persons but three persons were found to be innocent and challan has been presented only against the petitioner. The matrimonial dispute has been amicably settled between the parties in terms of the settlement deed, Annexure P-2. The petitioner and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for

dissolution of marriage by mutual consent in the learned Family, Ambala. The petitioner shall pay a sum of Rs.7,80,000/- to respondent No.2 on account of permanent alimony. A sum of Rs.5,20,000/- has already been paid and the balance amount of Rs.2,60,000/- shall be paid when the statements of the parties are recorded at the stage of second motion. Respondent No.2 has received all her articles of *istridhan* and nothing else has been due payable to her and 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 report also indicates that as per the statement of Investigating Officer, there were four accused and no one has been declared proclaimed offender.

8. The reply submitted by respondent No.1 indicates that the offences under Sections 377 and 120-B IPC have been deleted. The FIR was registered against the petitioner and three other person, who were found to be innocent. The challan has been presented only against the petitioner.

9. 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.

10. 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*.

11. 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.483 dated 26.09.2022 under Sections 323/377/406/498-A/506/120-B IPC (Sections 377 and 120-B IPC have already been deleted) registered at Police Station Mahesh Nagar, District Ambala and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioner only.

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

04.07.2023  
smriti

(VIVEK PURI)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No