

287 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-9990-2023

Date of Decision: 21.08.2023

GULSHAN SINGH AND OTHERS

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nirmal Sharma, Advocate
for the petitioners.

Mr. Surender Kumar Dagar, DAG Haryana.

Ms. Himani, Advoate
for respondent No. 2.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 08, dated 06.01.2023 under Sections 323, 377, 498-A, 506 of Indian Penal Code registered at Police Station Sector-5, Panchkula on the basis of compromise.

2. Vide order dated 28.04.2023, 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, Panchkula and relevant portion of the same is reproduced below:

“(i) FIR has been registered against accused Gulshan Singh, Ramesh Singh and Sunita Devi and fourth accused arrayed as 'other', all resident of House No. 93,

GBP River Side Estate, Saidpura Derabassi, S.A.S Nagar, Punjab. Further as per the report of IO, no accused person has been declared proclaimed offender and no such proceeding is pending against them.

(ii) By virtue of statement of both the parties, compromise entered between the parties is genuine, voluntarily, without any coercion or undue influence.

(iii) As per the statement of Investigation Officer, there is no other FIR pending against the accused persons.

(iv) As per the report of the Ahlmad, only FIR has been received in the court. Chargesheet has not been filed in this case and hence trial has not commenced.”

4. Learned counsel for the petitioners contend that marriage of the petitioner No. 1 was solemnized with respondent No. 2 on 19.02.2021, 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-3). The petitioner No. 1 and respondent No. 2 have resumed co-habitation and respondent No. 2 is happily residing with petitioner No. 1 in the matrimonial house.

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 No. 08, dated 06.01.2023 under Sections 323, 377, 498-A, 506 of Indian Penal Code registered at Police Station Sector-5, Panchkula and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

21.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No