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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-9703-2023****Date of Decision: 03.07.2023****SONU RAWAT & OTHERS****... PETITIONERS****V/S****STATE OF HARYANA AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Gorav Kathuria, Advocate for the petitioners.
Mr. Surinder Kumar Dagar, DAG Haryana.
Ms. Pratula Sethi, Advocate for respondent No.2.
* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 12 dated 09.01.2018 registered under Sections 498-A and 506 IPC (Section 406 IPC added later on) at Police Station Sector 31, Faridabad and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-3).
2. On 23.02.2023, 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 order dated 23.02.2023, learned Judicial Magistrate First Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“On 17.04.2023, complainant Garima Rawat, accused Bhag Singh Rawat and Shri Amit Singh, Advocate on behalf of accused Sonu Rawat and Saroj Devi @ Deepika Rawat appeared and their statements were recorded separately. As per their statements, the compromise is authentic, genuine and voluntarily.

The specific report on the requisite points is as

under:

Point (1): Whether there is any other accused, apart from the petitioners arrayed in this petition?

Report: No.

Point (2): Whether there is any other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition?

Report: No.

Point (3): Whether the parties are involved in any other criminal case?

Report: No.

Point (4): Whether any of the parties has been declared a proclaimed offender?

Report: No.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 24.10.2012 but no child has been born from the wedlock. FIR was registered against the petitioners and 3 other relatives who were found innocent during the course of investigation and challan has been presented only against the petitioners. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-3). 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 the judgment and decree dated 06.07.2022 passed by the learned Principle Judge, Family Court, Faridabad. A sum of Rs. 19,00,000/- has been paid to respondent No. 2 by petitioner No.1 on account of permanent alimony. Respondent No.2 has received all her articles of Istridhan and nothing is due payable to her by petitioner No.1. The parties have withdrawn other cases instituted by them against each other.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that she has no objection if the aforementioned 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 (Annexure P-3). The compromise is without any pressure and is 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***, upheld 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. 12 dated 09.01.2018 registered under Sections 498-A and 506 IPC (Section 406 IPC added later on) at Police Station Sector 31, Faridabad and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

03.07.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No