

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11305-2023
Date of Decision: 23.08.2023

SACHIN JINDAL AND OTHERS ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Yashveer Kharb, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Ajay Jain, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.349 dated 22.10.2021 under Sections 120-B/323/328/406/498-A/506 IPC registered at Police Station Mahesh Nagar, District Ambala on the basis of compromise.
2. On 26.04.2023, the parties were directed to get their statements recorded before the learned Illaqa/Duty Magistrate.
3. In compliance of the order dated 26.04.2023, the statements of the parties have been recorded and the learned Judicial Magistrate 1st Class, Ambala has sent the report and the relevant portion whereof is reproduced here-in-below:-

“The parties alongwith their respective counsel appeared before the court on 19.05.2023 and got recorded their statements to the effect that they have compromised the matter with each other voluntarily without any coercion or undue influence, pressure etc. from any side. Statement of Investigating Officer HC Suresh Kumari No.189, Police Station Mahesh Nagar has been recorded on 30.05.2023 to the effect that complainant Kanak Nandini filed a complaint against the

accused Sachin Jindal, Shashipal Jindal, Sunita Jindal & Saurabh Jindal and except the present case neither any other case is pending against them nor any accused is proclaimed person/offender in this case.

As such, from statements of the parties, I am of the opinion that the compromise arrived between the complainant and all the aforesaid accused is genuine. ”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 on 12.12.2016 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise/settlement, Annexure P-2. The petitioner No.1 shall pay a sum of Rs.30 lac to respondent No.2 on account of permanent alimony. Petitioner No.1 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, wherein, statements of the parties at the stage of first motion have been recorded. A sum of Rs.15 lac has been paid and the balance amount of Rs.15 lac shall be paid when the statements of the parties at the stage of second motion are recorded. Respondent No.2 has received all her articles of *istridhan* and nothing else has been due payable to her by the petitioner(s). The custody of minor daughter shall remain with respondent No.2 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 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. 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.349 dated 22.10.2021 under Sections 120-B/323/328/406/498-A/506 IPC registered at Police Station Mahesh Nagar, District Ambala, on the basis of compromise, is ordered to be quashed, however, qua the petitioners only.

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

23.08.2023
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(VIVEK PURI)
JUDGE

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