

2023:PHHC:132161

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14551-2023
Date of decision: 10.10.2023

AMAR SONI AND ANR. ...PETITIONERS
VERSUS
STATE OF HARYANA AND ANOTHER ...RESPONDENTS

CRM-M-18360-2023

BHARTI SONI ALIAS SHALU AND ORS. ...PETITIONERS
VERSUS
STATE OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anil Kumar Spehia, Advocate
for the petitioners (in CRM-M-14551-2023).

Mr. Krishan Singh Dadwal, Advocate
for the petitioners (in CRM-M-18360-2023).

Mr. Surinder Singh Dagar, DAG, Haryana.

Mr. Ankit Singla, Advocate
for respondent No. 2.

VIVEK PURI, J. (ORAL)

1. Petitioners are seeking to quash the FIR No. 0133 dated 01.11.2022 under Sections 498-A, 323, 354-A, 406, 506 and 34 IPC, registered at Police Station Faridabad, District Faridabad (Annexure P-1) and all the consequential proceedings arising therefrom, on the basis of compromise dated 15.03.2023 (Annexure P-3).
2. On 23.03.2023 (in CRM-M-14551-2023) and on 16.05.2023 (in CRM-M-18360-2023), parties were directed to appear before the Trial

Court/Illaq Magistrate and get their statements recorded with regard to the compromise arrived at between them.

3. The trial Court was directed to record the statements of all the concerned and send its report regarding genuineness and voluntary nature of the compromise.

4. In compliance of the order dated 23.03.2023, learned Judicial Magistrate 1st Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“6. In the view of the aforesaid facts and statement of mother of complainant qua compromise, I am of the considered view that the compromise effected between the parties, appears to be without any threat or pressure from either side and is made out of free volition of the parties.

7. As per the statement of Investigation Officer, there are total five accused in the present FIR in which three accused namely Gopal Kishan Soni, Bharti @ Shalu and Karan Soni has been arrested and the challan against these three accused has been presented before the court. Apart from accused Gopal Kishan Soni, Bharti @ Shalu and Karan Soni, there is no any other accused in the present FIR.

8. As per the statement of IO, all above stated three accused have never been declared proclaimed offender in this case during her investigation and no any other criminal case is pending between the parties.”

5. In compliance of the order dated 16.05.2023, learned Judicial Magistrate 1st Class, Faridabad has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“6. In the view of the aforesaid facts and statement of mother of complainant qua compromise, I am of the considered view that the compromise effected between the parties, appears to be without any threat or pressure from either side and is made out of free volition of the parties.

7. As per the statement of Investigation Officer, apart from accused Gopal Kishan Soni, Bharti @ Shalu and Karan Soni, there is no any other accused in the present FIR.

8. As per the statement of IO, all above stated accused have never been declared proclaimed offender in this case during her investigation and no any other criminal case is pending between the parties.”

6. Learned counsel for the petitioners contend that the marriage of

petitioner No. 1 (CRM M-14551-2023) was solemnized with respondent No. 2 on 16.01.2020 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in the Mediation and Conciliation Centre of this Court in terms of the compromise/agreement (Annexure P-3). Petitioner No. 1 (CRM M-14551-2023) and respondent No. 2 have resumed cohabitation. Respondent No. 2 along with the minor son is happily residing in the matrimonial house. No other case is pending between the parties.

7. After hearing the 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.

8. 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.

9. 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***.

10. 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. 0133 dated 01.11.2022 under Sections 498-A, 323, 354-A, 406, 506 and 34 IPC, registered at Police Station Faridabad, District Faridabad and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioners only.

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

10.10.2023
manoj

(VIVEK PURI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No