

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15778-2023

Date of Decision:20.07.2023

SUKHBIR SINGH**... PETITIONER****V/S****STATE OF HARYANA AND ANOTHER****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Ashit Malik, Advocate
for the petitioner.

Mr. Sidhhant, AAG, Haryana.

Mr. Gautam Kumar, Advocate
for respondent No.2.

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VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 164 dated 15.11.2018 registered under Sections 120-B, 316, 354-A, 406, 498-A, 506 IPC at Police Station Dhand, District Kaithal and all the consequential proceedings arising therefrom, on the basis of compromise (Annexure P-2).
2. On 28.03.2023, 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 28.03.2023, learned Judicial Magistrate First Class, Kaithal has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“1) It is further humbly submitted that this Court is of the view that parties have voluntarily entered into compromise with their free will and without any undue influence, threat, fear or coercion. This court is also of the view that compromise has been entered genuinely, without any misrepresentation and fraud and it has found to be valid. Report was sought from the Investigating

Officer/Station House Officer as to the fact of:-

- 1. How many accused were there in FIR.*
- 2. Whether any party is involved or declared proclaimed offender in any other criminal case.*

On the basis of the report of Station House Officer concerned and after perusing the case file, the following report is being sent as under:-

(A) The present FIR was registered on the complaint moved by complainant Preeti Bodla daughter of Late Dharampal against Sukhbir Singh son of Chamel Singh, Chamel Singh son of Matu Ram, Ompati wife of Chamel Singh and Pawan son of Chamel Singh. During investigation Chamel Singh son of Matu Ram, Ompati wife of Chamel Singh and Pawan son of Chamel Singh were found innocent.

After investigation challan against Sukhbir son of Chamel Singh has been filed before the court for trial.

(B) No other criminal case has been registered against accused Sukhbir Singh and he has not been declared proclaimed offender. No criminal case has been registered against complainant Preeti Bodla and she has not been declared proclaimed offender.”

4. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with the respondent No.2 on 19.11.2017 but no child was born from the wedlock. Initially, the allegations were levelled against the petitioner and his three other family members who were found to be innocent. The challan has been presented only against the petitioner with regard to the offence under Section 406, 498-A and 506 IPC. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (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 Court of learned Family Court, Kaithal wherein the statements of the parties at the stage of first motion have been recorded. The petitioner shall pay a sum of Rs.9 lakhs on account of permanent alimony to respondent No.2 when the statements of the parties is recorded at the stage of second motion. Nothing else is

due to the respondent No.2 from the petitioner. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he 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-2). 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 offenses 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. 164 dated 15.11.2018 registered under Sections 120-B, 316, 354-A, 406, 498-A, 506 IPC at Police Station Dhand, District Kaithal and all the consequential proceedings arising therefrom are quashed qua the petitioner only.

(VIVEK PURI)
JUDGE

20.07.2023

P.Bhatt

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