

2023:PHHC:133972

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19440-2023
Date of decision: 10.10.2023

PREM

...PETITIONER

VERSUS

STATE OF HARYANA AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhdeep Singh, Advocate for
Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Surinder Singh Dagar, DAG, Haryana.

Ms. Anita Devi, Advocate
for respondent No. 2.

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking to quash the FIR No. 0160 dated 17.03.2021 under Sections 323, 498-A, 506 IPC, registered at Police Station Samalkha, District Panipat and all the consequential proceedings arising therefrom, on the basis of compromise dated 05.04.2023 (Annexure P-3).
2. On 03.08.2023, 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 03.08.2023, learned Judicial

Magistrate 1st Class, Samalkha (Panipat) has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

- “1. It is an honour to submit that as per statement (copy attached) of Investigating Officer, there is only **one** accused arraigned in the FIR.
2. It is submitted that as per statement of Investigating Officer, no any accused is declared as proclaimed offender.
3. It is submitted that as per compromise statements (copies attached) of parties, they have arrived at compromise with each other and compromise is genuine, voluntarily and without any coercion, undue influence, misrepresentation etc.
4. It is submitted that as per of Investigating Officer, accused is not involved in any other case.
5. It is submitted that as per of Investigating Officer, there is only one victim/complainant in present FIR.”

5. Learned counsel for the petitioner contends that the marriage of petitioner was solemnized with respondent No. 2 on 02.12.2001 and two daughters and a son have 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 and respondent No. 2 have resumed cohabitation. Respondent No. 2 along with her minor children is happily residing in the matrimonial house with the petitioner.

6. 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.

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. 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. 0160 dated 17.03.2021 under Sections 323, 498-A, 506 IPC, registered at Police Station Samalkha, District Panipat and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

10.10.2023

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(VIVEK PURI)
JUDGE

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