

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18305-2023
Date of Decision: 18.10.2023

SATVIR SINGH

... PETITIONER

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Fateh Saini, Advocate for
Mr. Pawan Attri, Advocate,
for the petitioner.

Mr. Ranvir Singh Arya, Additional Advocate General, Haryana.

Mr. Nitin Kumar Sharma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. Petitioner is seeking to quash the FIR No.0004 dated 06.01.2021 under Sections 406/498-A/506 IPC registered at Police Station Pehowa, District Kurukshetra on the basis of compromise.
2. On 25.07.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 25.07.2023, the statements of the parties have been recorded and the learned Sub Divisional Judicial Magistrate, Pehowa, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“In compliance of said order, statement of complainant Parneet Kaur was recorded on 21.08.2023. In her statement, complainant stated that she has entered into a settlement with accused Satvir Singh, which was done at the behest of elders and respectables of the society. She does not wish to pursue the present case against accused Satvir Singh and she has no reservations if the present FIR against him is quashed. On the other hand, Special Power of Attorney

holder of accused Satvir Singh, namely Harkanwal Singh vide his separate statement dated 21.08.2023 submitted that he has entered into a compromise on behalf of his son Satvir Singh with complainant Parneet Kaur in the present case whereby she does not wish to continue the present case against accused Satvir Singh. Copy of Special Power of Attorney dated 03.08.2022 executed by his son Satvir Singh in his favour was tendered by him on record and the original Special Power of Attorney was stated to have been filed by him before Hon'ble High Court in Quashing Petition No. CRM-M-18305-2023. He has no objection if the present case FIR is quashed by the Hon'ble High Court.

From the statements of parties and perusal of the documents, it is observed that compromise appears to be genuine, voluntary and without any coercion or undue influence.”

4. Learned counsel for the petitioner contends that the FIR was registered against the petitioner and four other relatives. The other relatives of the petitioner faced trial and were acquitted by the learned trial Court vide judgment dated 14.12.2022 and no appeal has been preferred against the said judgment. The marriage of the petitioner was solemnized with respondent No.2 on 16.01.2020 but no child has 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 is happily residing in the matrimonial house. The petitioner has not been declared as proclaimed offender/proclaimed person. 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.0004 dated 06.01.2021 under Sections 406/498-A/506 IPC registered at Police Station Pehowa, District Kurukshetra on the basis of compromise is ordered to be quashed, however, qua the petitioner only.

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

18.10.2023
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(VIVEK PURI)
JUDGE

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