

234 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-19249-2022
Date of Decision: 15.09.2023

RAJ KUMAR

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Raj Kumar Bhatia, Advocate for
Mr. Nitish Bhatia, Advocate
for the petitioner.

Mr. Surender Kumar Dagar, DAG Haryana.

Ms. Kriti Lohar, Advocate
for respondent No. 2.

VIVEK PURI J. (Oral)

1. This is a petition under Section 482 Cr.P.C. for quashing of FIR No. 151, dated 18.05.2018 registered under Sections 323, 498-A and 34 of Indian Penal Code at Police Station Rania, District Sirsa and all consequential proceedings arising therefrom, on the basis of compromise.
2. Vide order dated 07.05.2022, passed by this Court, 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 aforesaid order, report has been received from the court of Ld. Judicial Magistrate Ist Class, Ellenabad and relevant portion of the same is reproduced below:

"Vide their separate statements, the victim and the

accused have categorically stated that they have settled their disputes/differences without any force or pressure, out of their free will. They are not at any issue with each other. On being enquired by undersigned, they stated that they have willfully settled the dispute without any pressure or coercion.

In view of the said categorical statements suffered on record and on the personal hearing to both sides, I am of the considered opinion that genuine compromise has been entered into between the aforesaid parties voluntarily, without any coercion or undue influence. It has also been verified that beside the accused (petitioner) Raj Kumar mentioned in the petition, there is no other accused in the FIR and the parties are not involved or declared proclaimed offender in any other criminal case.”

4. Learned counsel for the petitioner contends that the FIR was registered at the instance of Sohan Lal, the father of respondent No. 2, who has died on 27.11.2018. The marriage of the petitioner was solemnized with respondent No. 2 at about 4 years prior to the registration of the FIR and the at the time of registration of FIR a son was born from the wedlock. The couple has also been blessed with a baby girl, yesterday only. The matrimonial dispute has been amicably settled between the parties in terms of compromise Annexure P-2. The petitioner and respondent No. 2 have resumed cohabitation. The respondent No. 2 along with the children is happily in the matrimonial house with the petitioner. No other case is pending between the parties.

5. Learned counsel for respondent No. 2/complainant has not disputed the aforesaid factual aspects and has 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

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. Accordingly the present petition is allowed and FIR No. 151, dated 18.05.2018 registered under Sections 323, 498-A and 34 of Indian Penal Code at Police Station Rania, District Sirsa and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

15.09.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No