

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

**CRM-M-19591-2023
Date of decision: 30.10.2023**

AMRIK SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nikhil Kumar Vashisht, Advocate for the petitioners.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Anshul Gupta, Advocate for respondent No.2.

VIVEK PURI,J. (ORAL)

1. Petitioner has approached this Court by way of instant petition under Section 482 Cr.P.C. invoking its inherent jurisdiction for quashing of FIR No.25 dated 04.03.2021 under Sections 323/377/406/498-A/506 IPC, registered at Women Police Station, Panchkula, Sector-5, Panchkula and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 10.08.2023, 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 10.08.2023, learned Judicial Magistrate 1st Class, Panchkula has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“(i) Initially FIR was registered against four persons. However, challan was filed only against accused Amrik Singh.

(ii) There is only one complainant or affected/aggrieved party, namely, Rajwinder Kaur and she has entered into compromise with the accused.

(iii) As per the report of police, no other criminal case is pending against the parties.

(iv) As per the report of police, no party has been declared as proclaimed offender.

(v) As per the statements given by the parties in the court, the compromise appears to be genuine, voluntary and out of free will of the parties.”

5. Learned counsel for the petitioner contends that the marriage of the petitioner was solemnized with respondent No.2 on 10.06.2016 but no child has been born from the wedlock. It was second marriage of both the parties. The first wife of the petitioner had died in the year 2016 and the first husband of respondent No.2 had died in an accident in the year 2011. The matrimonial dispute has been amicably settled between the parties. The marriage of the petitioner and respondent No.2 has been dissolved by a decree of divorce by mutual consent under Section 13-B of Hindu Marriage Act in terms of judgment and decree dated 03.10.2023 passed by the learned Family Court, Panchkula. A sum of Rs.4,50,000/- has been paid on account of permanent alimony to respondent No.2. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else is due payable to her by the petitioner. No other case is pending between the parties.

6. Learned counsel for respondent No.2 states that he has no objection if FIR is quashed.

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

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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***, approved 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.25 dated 04.03.2021 under Sections 323/377/406/498-A/506 IPC, registered at Women Police Station, Panchkula, Sector-5, Panchkula and all the consequential proceedings arising therefrom, are ordered to be quashed, however, qua the petitioner only.

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

30.10.2023

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(VIVEK PURI)
JUDGE

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