

CRM-M-20677-2023
Date of decision: 14.09.2023

...PETITIONER

...RESPONDENTS

4. In compliance of the order dated 26.04.2023, learned Judicial Magistrate 1st Class, Bhiwani has recorded the statements of the parties and submitted the report, the relevant para whereof reads as under:-

“In compliance of the aforesaid order, the parties appeared before the court today. The complainant Neelam and the accused Vijay got their statements recorded to the effect that the matter has been compromised between them after due consideration. The complainant further stated that she has given her statement of her own will without any influence or pressure. Their separate statements to the effect have been duly recorded after being duly identified by their counsels. Investigating Officer HC Maya Devi 208 also appeared before the court and her statement is also recorded separately.

Further, the information sought by the Hon'ble Punjab & Haryana High Court vide order dated 26.04.2023 passed in CRM-M-20677-2023 is as below:-

i). Whether there is any other accused, apart from the petitioners arrayed in this petition.

No, there is no other accused, apart from the petitioners arrayed in this petition.

ii). Whether there is any other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition.

No, there is no other complainant or affected/aggrieved party, apart from the respondents arrayed in the petition.

iii). Whether the parties are involved in any other criminal case.

Statement of IO HC Maya Devi has been recorded. In her statement, she has stated that there is no other case pending against the parties at PS Women, Bhiwani.

iv). Whether any of the parties has been declared a proclaimed offender.

None of the parties has been declared a proclaimed offender.”

5. Learned counsel for the petitioner contends that the FIR was registered against the petitioner and 04 other family members who were found innocent during the course of investigation and the challan has been presented only against the petitioner. The marriage of the petitioner was solemnized with respondent No.2 on 11.11.2016 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of

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compromise dated 12.03.2023 (Annexure P-2). The petitioner and respondent No.2 have instituted a petition under Section 13-B of Hindu Marriage for dissolution of marriage by mutual consent in the learned Family Court Bhiwani wherein the statements of the parties at the stage of first motion. The petitioner shall pay a sum of Rs.10,00,000/- on account of permanent alimony to respondent No.2. A sum of Rs.5,00,000/- has already been paid and the balance amount of Rs.5,00,000/- is to be paid at the time of recording the statements at the stage of second motion. Respondent No.2 has received all her articles of *Istri Dhan* and nothing else due payable to her. The private parties have withdrawn the other cases instituted by them and 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 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,***

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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.10 dated 26.01.2022 under Sections 323/342/406/498-A/506 IPC, registered at Women Police Station, Bhiwani 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.

14.09.2023

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(VIVEK PURI)
JUDGE

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