

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22222-2023
Date of Decision: 23.08.2023

SANJEEV KUMAR AND OTHERS ... PETITIONERS
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Ketan Chopra, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Kapil Khanna, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners are seeking to quash the FIR No.0457 dated 03.09.2021 under Sections 323/406/498-A/506/34 IPC registered at Police Station Sirsa City, Sirsa and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 04.05.2023, the parties were directed to get their statements recorded before the learned Illaqa/Duty Magistrate.
3. In compliance of the order dated 04.05.2023, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Sirsa has sent the report and the relevant portion whereof is reproduced here-in-below:-

“From the statements as well as oral examination by this Court, this Court is of the opinion that the matter in question has been compromised between the parties without any fear, coercion, inducement or threat.

It is further submitted that statement of investigating officer has also been recorded

separately to the effect that the said FIR has been registered on account of statement of complainant Manpreet daughter of Madan Lal (W/o Sanjeev Kumar) and there are three accused named in the above FIR. He has also stated that neither any of above named accused are involved in any other case nor they have been declared P.O. in any case.”

4. Learned counsel for the petitioners contend that the FIR was registered against the petitioners alongwith Anjali and Sethi Kumar. Anjali and Sethi Kumar have been found to be innocent during the course of investigation. The marriage of petitioner No.1 was solemnized with respondent No.2 on 30.09.2019 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise. The petitioner No.1 shall pay a sum of Rs.22 lac to respondent No.2 on account of permanent alimony. Petitioner No.1 and respondent No.2 have instituted a petition under Section 13-B of the Hindu Marriage Act for dissolution of marriage by mutual consent in the learned Family, Sirsa, wherein, statements of the parties at the stage of first motion have been recorded. A sum of Rs.11 lac has been paid and the balance amount of Rs.11 lac shall be paid when the statements of the parties are recorded at the stage of second motion. Respondent No.2 has received all her articles of *istridhan* and nothing else has been due payable to her by the petitioner(s). The custody of minor daughter shall remain with respondent No.2 and 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.0457 dated 03.09.2021 under Sections 323/406/498-A/506/34 IPC registered at Police Station Sirsa City, Sirsa and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

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

23.08.2023
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(VIVEK PURI)
JUDGE

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