

314 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23929-2023

Date of Decision: 15.11.2023

SANDEEP SINGH AND OTHERS

... PETITIONERS

V/S

STATE OF HARYANA AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Karan Bhardwaj, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG Haryana.

Mr. Amitaz Sandhu, Advocate for respondent No.2.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 464 dated 21.09.2022 under Sections 323, 34, 354, 377, 406, 498-A, 506 IPC registered at Police Station Sector 27, District Sonapat and all the consequential proceedings arising therefrom, on the basis of compromise.

2. On 11.05.2023, 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 order dated 11.05.2023, learned Judicial Magistrate First Class, Sonapat has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“4. I have inquired from both the parties, especially from complainant Gitanjali who has stated that the compromise has been arrived between them voluntarily and the same is not due to any pressure, fear, threat, coercion or undue influence from the accused side.

5. Further, the undersign to confirm the identity of the

parties has seen and returned the original Aadhar Card of the parties and the copies of the same are placed on case file. Moreover, the parties have also been identified by the Advocates.

6. So, in view of the aforesaid facts, I am of the considered view that the compromise effected between the parties is without any pressure, fear, threat, coercion or undue influence from either of the sides and is a genuine compromise.”

4. Learned counsel for the petitioners contend that the marriage of petitioner No.1 was solemnized with respondent No.2 in the year 2015 and two daughters have been born from the wedlock. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 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 the judgment and decree dated 06.07.2023 passed by the learned Family Court, Sonapat. A sum of Rs. 2,00,000/- has been paid to respondent No.2 on account of permanent alimony. She has received all her articles of Istridhan and nothing is due payable to her by the petitioners. The custody of the elder daughter will remain with respondent No.2 and the custody of the younger daughter will remain with petitioner No.1. No other case is pending between the parties.

5. Learned counsel for respondent No.2 has acknowledged this fact and has stated that he has no objection if the aforementioned 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

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. 464 dated 21.09.2022 under Sections 323, 34, 354, 377, 406, 498-A, 506 IPC registered at Police Station Sector 27, District Sonapat and all the consequential proceedings arising therefrom are quashed qua the petitioners only.

15.11.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No