

269 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-25680-2023
Date of Decision: 29.08.2023

KAPIL SHARMA

...Petitioner

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Puneet Kansal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG Haryana.

Mr. Padam Kant Dwivedi, 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. 119 dated 10.09.2019 registered under Sections 406, 498-A, 323, 506 and 34 of Indian Penal Code at Women Police Station Sector 5, Panchkula, District Panchkula along with all subsequent proceedings arising therefrom on the basis of compromise.

2. Vide order dated 19.05.2023, 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 Judicial Magistrate Ist Class, Panchkula and the relevant portion is reproduced hereinbelow:

“2. Complainant/Respondent-Shikha gave a statement in the Court to the effect that she has entered into a compromise with the accused voluntarily and without

any coercion or undue influence. She submitted that she has no objection if the FIR no. 119 Dated 10.09.2019, P.S.Women Police Station, Panchkula is quashed.

3. Accused Kapil Sharma appeared in the court and made a statement to the effect that the matter has been compromised with the complainant genuinely, voluntarily and without any coercion or undue influence. He requested the FIR no. 119 Dated 10.09.2019, P.S. Women Police Station, Panchkula be quashed.

4. In light of the on oath statements of the parties, the detailed report is hereby submitted as under :-

(i) the compromise entered into between the parties is genuine, voluntary and without any coercion or undue influence.”

4. Learned counsel for the petitioner contends that the FIR was registered against the petitioner and other family members, but they have been found to be innocent during the course of investigation and the challan has been presented only against the petitioner. Marriage of petitioner and respondent No. 2 was solemnized on 17.09.2010 and a daughter has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise Annexure P-2. The petitioner and respondent No. 2 have instituted a petition under Section 13-B of Hindu Marriage Act for dissolution of marriage with mutual consent in the learned Family Court, Panchkula, wherein statements of the parties at the state of first motion has been recorded. The petitioner shall pay a sum of Rs. 3,00,000/- to respondent No. 2 on account of permanent alimony, out of which a sum of Rs. 1,50,000/- has already been paid to respondent No. 2 and the balance amount of Rs. 1,50,000/- shall be paid at the time of recording of statements of the parties at the stage of second motion.

Respondent No. 2 has received all her articles of *stree dhan* and nothing else

is due payable to her by the petitioner. Custody of minor daughter shall remain with respondent No. 2 and the petitioner will have the visitation rights as per the terms and conditions of the compromise. Furthermore, the parties will withdraw the other cases before getting their statements recorded at the stage of second motion.

5. Learned counsel for respondent No. 2 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 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, 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. 119 dated 10.09.2019 registered under Sections 406, 498-A, 323, 506 and 34 of Indian

Penal Code at Women Police Station Sector 5, Panchkula, District Panchkula and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

29.08.2023
Ajay Goswami

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(VIVEK PURI)
JUDGE