

271 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-28867-2023

Date of Decision: 29.08.2023

VIPUL AND OTHERS

...Petitioners

V/S

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. H.P.S. Rakhra, Advocate
for the petitioners.

Ms. Geeta Sharma, DAG Haryana.

Mr. Chaman Deep, Advocate for
Mr. Ivneet Singh Pabla, 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. 37 dated 18.03.2021 registered under Sections 323, 406 and 498-A of Indian Penal Code (Sections 313, 354 and 377 of IPC added later on) at Women Police Station Panchkula, District Panchkula along with all subsequent proceedings arising therefrom on the basis of compromise.

2. Vide order dated 01.06.2023, 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:

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

influence.

(ii) Initially, FIR was registered against five persons, namely, Vipul, Shashi Parkash, Sushma Rani, Vaibhav Bhalla and Divya Bhalla on the basis of complaint filed by the complainant Dipi. The challan was filed only against accused Vipul, Shashi Parkash and Sushma Rani.

(iii) There is only one complainant in the present case, namely, Dipi.

(iv) The compromise is not partial.

(v) The present case is fixed for the evidence of the prosecution. (vi) All the three accused, namely, Vipul, Shashi Parkash and Sushma Rani are on bail and appear before the court to attend the proceedings.

(vii) As per the report of SHO, WPS Panchkula, no other proceedings are pending against the accused or the petitioner/complainant.

(viii) As per the report submitted by SHO,P.S Women, Panchkula, no other case has been instituted against the accused.

(ix) As per the final report submitted in the court, the complainant is submitted to have suffered simple injuries. The complainant is the wife of accused Vipul Bhalla and is daughter-in-law of accused Shashi Parkash and Sushma Rani.”

4. Learned counsel for the petitioners contend that initially the allegations were levelled against the petitioners and two other relatives, who were found to be innocent during the course of investigation and the FIR was registered only against the petitioners. Marriage of petitioner No. 1 and respondent No. 2 was solemnized on 14.12.2016 and a son has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of compromise Annexure P-3. The petitioner

No. 1 has paid a sum of Rs. 60,00,000/- to respondent No. 2 on account of permanent alimony. The petitioner No. 1 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. Respondent No. 2 has received all her articles of *stree dhan* and nothing is due payable to her by the petitioner. Custody of minor son shall remain with respondent No. 2. No other case is pending between the parties.

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. 37 dated 18.03.2021 registered under Sections 323, 406 and 498-A of Indian Penal Code (Sections 313, 354 and 377 of IPC added later on) at Women Police Station 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		(VIVEK PURI)
Ajay Goswami		JUDGE
	Whether speaking/reasoned	Yes/No
	Whether reportable	Yes/No