

280 IN THE HIGH COURT OF PUNJAB AND HARYANA
 CHANDIGARH
 CRM-M-28242-2022
 Date of Decision: 22.08.2023

SOMBIR @ SOMBEER AND ANR.

...Petitioners

V/S

STATE OF HARYANA AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rajesh Duhan, Advocate
 for the petitioners.

Mr. Surender Kumar Dagar, DAG Haryana.

Ms. Gurpeet Kaur, 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. 89 dated 29.01.2022 registered under Sections 323, 354, 377, 406, 498-A, 506 of Indian Penal Code (Sections 354 and 377 IPC were deleted later on) at Police Station Karnal Sadar, District Karnal on the basis of compromise.
2. Vide order dated 17.07.2023, 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 Additional Chief Judicial Magistrate, Karnal and relevant portion of the same is reproduced below:

“On the basis of statements of the parties, as referred

above, undersigned is of the view that the compromise effected between accused/petitioners no. 1 & 2 namely Sombir @ Sombeer and Raj Kali wife of Roop Chand and complainant/respondent No. 2 namely Ankita daughter of Bhim Singh is genuine, without any pressure or coercion.”

4. Learned counsel for the petitioners contend that the FIR was registered against the petitioner and two other relatives who have been found to be innocent and challan has been presented only against the petitioner. Marriage of petitioner No. 1 was solemnized with respondent No. 2 on 18.10.2010, but no child has been born from the wedlock. The matrimonial dispute has been amicably settled between the parties in terms of the compromise (Annexure P-2). 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 judgment and decree 08.09.2022 passed by learned Family Court, Karnal. A sum of Rs. 4,20,000/- has been paid to respondent No. 2 on account of permanent alimony. The respondent No. 2 has received all her articles of *stree dhan* and nothing else is due payable to her by the petitioners. No other case is pending between the parties.

5. Learned counsel for respondent No. 2/complainant 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, 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. 89 dated 29.01.2022 registered under Sections 323, 354, 377, 406, 498-A, 506 of Indian Penal Code (Sections 354 and 377 IPC were deleted later on) at Police Station Karnal Sadar, District Karnal and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua the petitioners only.

22.08.2023
Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No