

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34556-2023
Date of Decision: 21.09.2023

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

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Mukta Sharma, Advocate for
Mr. Kamal Chaudhary, Advocate
for the petitioners.

Mr. Surinder Kumar Dagar, DAG, Haryana.

Mr. Gaurav Verma, Advocate
for respondent No.2.

VIVEK PURI, J.(ORAL)

1. The petitioners seek to quash the FIR No.1152 dated 07.12.2022 under Sections 323/498-A/406/506/34 IPC registered at Police Station Camp, Palwal and all the subsequent proceedings arising therefrom on the basis of compromise.
2. On 19.07.2023, the parties were directed to get their statements recorded before the learned Illaqa Magistrate/trial Court.
3. In compliance of the order dated 19.07.2023, the statements of the parties have been recorded and the learned Chief Judicial Magistrate, Palwal, has sent the report and the relevant portion whereof is reproduced here-in-below:-

“It is further submitted that as per statement of Investigating Officer, only one accused namely Manoj Kumar is facing trial in FIR No. 1152 dated 07.11.2022, under Sections 323, 498-A, 406, 506, 34 of IPC. As per the record and the statement of I.O, accused has not been declared as Proclaimed Offender in this case. The accused person is not involved in any

other case except FIR No.1152 dated 07.11.2022, under Sections 323, 498-A, 406, 506, 34 of IPC, P.S.Camp, District Palwal. Investigating Officer has also stated that no other accused is involved in the present case. There is only one complainant/victim namely Dolly in the present case and he has filed the challan against accused Manoj Kumar only.

This Court, after perusing the record and statements of the parties, is of the considered view that the compromise is genuine voluntary and without any coercion or undue influence."

4. As per the report, it has been mentioned that challan has been presented only against petitioner No.1. This fact has also been affirmed by the learned State counsel.

5. Learned counsel for the petitioners seek to withdraw the petition qua petitioners No.2 to 7.

6. Ordered accordingly.

7. Learned counsel for the petitioner(s) contends that marriage of petitioner No.1 and respondent No.2 was solemnized on 25.07.2015. A daughter was born from the wedlock, who unfortunately passed away. The matrimonial dispute has been amicably settled between the parties. The marriage of petitioner No.1 and respondent No.2 has been dissolved by mutual consent under Section 13-B of the Hindu Marriage Act in terms of the judgment and decree dated 24.08.2023 passed by the learned Family Court, Palwal. Petitioner No.1 has paid a sum of Rs.1,20,000/- to respondent No.2 on account of permanent alimony. Respondent No.2 has received all her articles of *istridhan* and nothing else is due payable to her by petitioner No.1. The parties have also withdrawn the other cases instituted by them and at present, no case is pending between them.

8. 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.

9. 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.

10. 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.

11. 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***.

12. 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.1152 dated 07.12.2022 under Sections 323/498-A/406/506/34 IPC registered at Police Station Camp, Palwal and all the subsequent proceedings arising therefrom on the basis of compromise are ordered to be quashed, however, qua petitioner No.1 only.

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

21.09.2023
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(VIVEK PURI)
JUDGE

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