

CRM-M-28479-2023

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2023 : PHHC : 145225

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28479-2023

Date of Decision: 15.11.2023

RAKESH AND ANOTHER

... PETITIONERS

V/S

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Monika Khatri, Advocate for
Mr. Vivek Khatri, Advocate for the petitioners.

Mr. Surinder Kumar Dagar, DAG Haryana.

Mr. Naveen Kumar, Advocate for respondent Nos.2&3.

* * *

VIVEK PURI, J. (ORAL)

1. Present petition under Section 482 Cr.P.C. is for quashing of FIR No. 70 dated 20.10.2018 under Sections 498-A, 323, 34, 354-A, 354-D, 406 IPC registered at Police Station Women, District Hisar and all the consequential proceedings arising therefrom, on the basis of compromise.
2. On 02.06.2023, 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 02.06.2023, learned Judicial Magistrate First Class, Hisar has recorded the statements of the parties and submitted the report, the relevant portion whereof reads as under:-

“ In pursuance of the order of Hon'ble High Court dated 02.08.2023, it is humbly submitted that FIR in the instant case was registered against accused Rakesh, Rajesh, Annapurna and Satnarain. However,

the final report under Section 173 Cr.P.C. has been filed only against accused Rakesh and Rajesh who are on bail in the present case. The case was pending for prosecution evidence and as per the statement of accused and the investigating officer, no other case is pending against the accused and they not been declared as proclaimed offenders. The compromise arrived at between the parties appears to be voluntary and without any pressure.”

4. Learned counsel for the petitioners contend that the marriage of petitioner Nos.1 and 2 was solemnized with respondent Nos.2 and 3 respectively on 08.05.2014. Petitioner Nos.1 and 2 are brothers and respondent Nos. 2 and 3 are sisters. A daughter has been born from the wedlock of petitioner No.1 and respondent No. 2 but no child has been born from the wedlock of petitioner No.2 and respondent No.3. The matrimonial dispute has been amicably settled between the parties in terms of compromise (Annexure P-4). 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 23.03.2023 passed by the learned Family Court, Hisar. A sum of Rs. 15,00,000/- has been paid to respondent No.2 on account of permanent alimony. The custody of the minor daughter shall remain with respondent No.2. The marriage of petitioner No.2 and respondent No.3 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 23.03.2023 passed by the learned Family Court, Hisar. A sum of Rs. 12,50,000/- has been paid to respondent No.3 on account of permanent alimony. Respondent Nos. 2 and 3 have received all their articles of Istridhan and nothing is due payable to them by the petitioners. No other case is pending between the parties.

5. Learned counsel for respondent Nos.2 & 3 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 without any pressure and is 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. 70 dated 20.10.2018 under Sections 498-A, 323, 34, 354-A, 354-D, 406 IPC registered at Police Station Women, District Hisar 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